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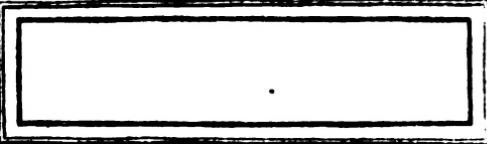
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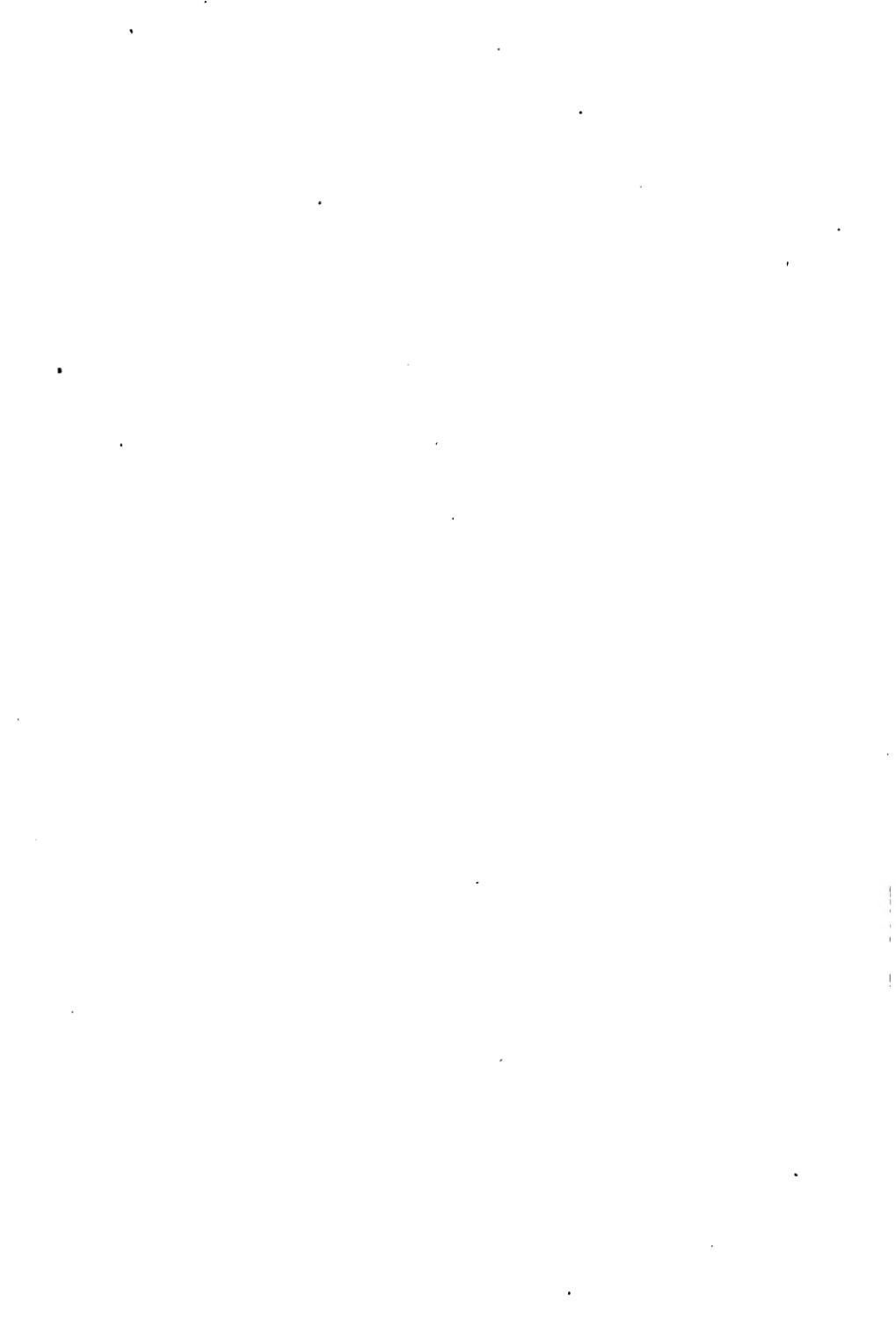
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• EVERETT P. WHEELER •

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EVERETT P. WHEELER

# SIXTY YEARS OF AMERICAN LIFE

TAYLOR TO ROOSEVELT, 1850 TO 1910

BY

EVERETT P. WHEELER, A.M., M.S.

*primis, magno usui, est memoria rerum gestarum.—Sallust.*



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THE KNICKERBOCKER  
A PRACTICAL GUIDE

The Knickerbocker Dress, New York

## INTRODUCTION

W. B. THAYER, writing about Hay's journals, says: "It is precisely such testimony as this that enables the historian to discover the state of mind, whether personal or collective, out of which came the motives which caused the events in any historical episode. Lee planned differently when he had to deal with Grant and not with McClellan. Unless the historian come to this knowledge, he can never show 'the very age and body of the time, its form and pressure'; the Past will be dead to him, an affair of mummies, a deciphering of mummy cases which no display of erudition concerning economics, commercial statistics or documents can bring to life."<sup>1</sup>

American life as I have seen it for sixty years is what I have tried to describe. I hope it may be of interest to my readers, and of value to future historians. As Webster said in his address to the people of Massachusetts, on Boston Common, in July, 1852: "The character of nations and of men is made out of facts. It is not the portraiture of the pencil so much as it is the narrative of the pen."

It may be thought that I have devoted too much space to the various campaigns in New York City for municipal reform, but it seems to me that the history of these cam-

<sup>1</sup> Thayer, *Life of Hay*, vol. i., pp. 135, 136.

## INTRODUCTION

paigns contains a lesson for all the cities of this country. At the beginning of my story, New York was probably the worst governed city in the United States. A competent student of municipal affairs who is familiar with municipal government throughout the country, has recently said that it is now the best governed city in the United States. This statement must be taken with reference to the difficulties of administration in a great and heterogeneous population. Thus understood, it is true.

The tariff, corruption in politics and civil service reform are still under consideration and discussion. The new currency system is still on trial. In the story of the past we should find lessons for the future. History is philosophy teaching by example.

The present war in Europe is so strenuous, the citizens of the great nations engaged in it are showing such devotion, courage in danger, patience in hardship, fortitude in suffering, and readiness to die for a cause sacred to them, that it may be hard to awaken interest in this tale of civil life. I would not undervalue the importance of such preparation as will enable a nation to repress lawless elements within its own borders and to aid in the defense of weaker nations who are attacked by lawless states. But what I try in this book to impress upon my countrymen is the equal need to practice the civic virtues. Courage and self-sacrifice can be displayed in political contests for efficient and honest government and for the maintenance in civic life of those great principles of righteousness which alone exalt a nation, as well as on the field of battle. Wars must end, but civil life endures.

I have been a lawyer in active practice in the courts, both State and Federal. I had hoped to embody in this volume some professional experiences. But there is not space. If the public is interested in this book I may later give them the Life of a Lawyer.

Let me close this introduction with a personal touch. On a summer evening, after a busy day, I went from my house in Park Avenue, across the street to the library of the Union Theological Seminary. There I found Schleiermacher's *Monologen*. I translated a paragraph, which expresses my ideal:

"I will keep my spirits without flagging to the end of my days. The fresh courage of life shall never forsake me. What gladdens me now shall gladden me always. My will shall continue firm and my imagination vivid. Nothing shall snatch from me the magic key which opens to me those doors of the invisible world which are filled with mystery, and the fire of love in my heart shall never grow dim. I shall never experience the dreaded weakness of old age. I will treat with noble disdain every adversity which assails the aim of my existence, and I promise myself eternal youth."

EVERETT P. WHEELER.

August 15th, 1916.



## **NOTE TO INTRODUCTION**

THE publishers acknowledge the courtesy of the *New York Evening Post* and of the *Outlook* in consenting to the republication of the portions of the chapters on the Tariff and on Municipal Reform which have already appeared in those periodicals.



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# Sixty Years of American Life

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## CHAPTER I

### THE CIVIL WAR—ITS ORIGIN, 1850–1861

THE story of the Civil War has many times been told. I shall not attempt to relate it in detail. In order to understand that period, it is necessary to consider briefly the ten previous years.

It was the beginning of a new epoch. While at first it divided the nation into hostile camps, yet in the end it established a more perfect union. The intensity of the struggle developed commercial and industrial forces to a degree unprecedented in America. The harvest was accompanied by a bountiful crop of weeds. Partisanship was often masked under the guise of patriotism. The public service of the country was in large measure organized on principles of partisan politics. The tariff was changed from a means of raising revenue or of fostering infant industries, into a machine for levying tribute on the great body of consumers for the benefit of favored industries which had already achieved independence. Municipal administration was in many cities turned into a gainful trade. The patriotism and public spirit of our

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citizens have risen as the dangers were more clearly perceived. The history of the country from 1870 to 1910 is a history of the struggle of these conflicting passions.

The adoption of the compromise measures of 1850 was a turning point in American history. The large majority of the Northern people were opposed to slavery, but they felt no responsibility for it and thought the question of emancipation one for which the South alone was responsible. The main features of this legislation of 1850 were the admission of California as a free state, the abolition of slavery in the District of Columbia and the Fugitive Slave law. These were on the whole satisfactory to both North and South. In 1852, Franklin Pierce, Democratic candidate whose nomination and platform expressed this sentiment of satisfaction, was elected by a great majority. His opponent, General Scott, received the electoral vote of Vermont, Maryland and Kentucky, only.

The anti-slavery cause was advocated by men who believed that slavery everywhere, and under all circumstances, was wrong, and that any stipulation in the Constitution recognizing slavery was wrong and not entitled to obedience.<sup>1</sup>

Emerson's lecture on the "Fugitive Slave Law" (delivered March 7, 1854) expressed most clearly the judgment of the group who were then known as Abolitionists, and as such were held up to reproach. Their

<sup>1</sup> Theodore Tilton expressed their prejudice against the South in the *Independent*, July 9, 1863: "The lower caste of men that Southern slaveholding breeds."

great leader, William Lloyd Garrison, had called the Constitution a “covenant with hell.” The anti-slavery literature we can still read in *Uncle Tom’s Cabin*, in Whittier, Lowell and Longfellow. But the Abolitionists were in a small minority. In general the Northern people were satisfied with the result of the election of 1852 and an era of good feeling existed and was expected to continue. They did not believe in the permanence of slavery, but they did not think that the negroes were capable of self-government, much less of taking part in the government of others. The Republic of Liberia had been established by the United States and many, of whom my uncle, John Wheeler, President of the University of Vermont, was one, believed that colonization there would solve the problem of the colored race.

Mr. Webster, in the celebrated Seventh of March speech on these compromise measures, declared that if the South should propose “a scheme to be carried on by this Government, upon a large scale, for the transportation of free colored people to any colony, or any place in the world,” he would “favor the use for this purpose of a sum equal to the amount received by the United States from the proceeds of land ceded by Virginia, amounting then to Eighty Million dollars and likely to reach the sum of Two Hundred Millions.” But the South needed and still needs the colored people. Their development as a race has progressed and will progress better here than in Africa. They were fated to be free here in America. And as the South refused voluntary emancipation, it came with fire and sword. The difficulties that the more intelli-

gent Southerners foresaw, and which we must now admit palliated their refusal, are now upon us. They can only be overcome by the exercise of the same spirit of moderation, sympathy and mutual consideration, which characterizes the Seventh of March speech, and which always has been the most odious spirit to zealots on both sides.

Daniel Webster's speech on the compromise measures was widely circulated; bitterly criticized by some but praised by more. It was entitled, "A Speech for the Preservation of the Union." Nowhere was it more cordially received than in New York. When next he appeared in public here we gave him an ovation.

The Historical Society, which had become one of our oldest and most cherished institutions, certainly among old New Yorkers, was then planning for the new building, which was afterwards erected on the corner of Second Avenue and Tenth Street. This in 1852 was the most fashionable part of New York. The money for this building was largely raised by the sale of tickets for a course of lectures. In those days, the lecture platform was occupied by our most distinguished men and was a power in molding public sentiment. Webster, Choate, Everett, Wendell Phillips, Beecher, Curtis, Theodore Parker and Emerson commanded great audiences throughout the country. Naturally, Webster was invited to deliver a lecture in the Historical Society course. He accepted, and his last speech in New York was delivered in Niblo's Theater, February 23, 1852.

The demand for tickets was far in excess of the supply. I heard of \$50 and even \$100 being paid for a single ticket.





**DANIEL WEBSTER**

(From an Engraving by Hollyer of a Portrait by Ames)

My father, as a member of the Society, had two tickets and took me with him. The hall was filled to overflowing.

Webster's personality was unique. Probably no man in America ever had such an imposing figure. He was the only American to whom the epithet of "god-like" was applied during his lifetime. It did not, in his case, cause surprise. Whittier has described him:

New England's stateliest type of man,  
In port and speech, Olympian,  
Whom the rich heavens did so endow  
With eyes of power and Jove's own brow,  
Whom no one met, at first, but took  
A second awed and wondering look.

His subject was "The Dignity and Importance of History." He spoke of the great historians of Greece, of Rome, of England. In the state of public feeling at that time, it was impossible for him to speak on any important occasion without some reference to the vital necessity of maintaining the Union of the States. Therefore he spoke of the development of the Republic, which in those days was considered wonderful, but which compared to what we now see, appears to us moderate. He declared that this wonderful growth was due to the beneficent influence of the Union of the States under one strong government, with powers adequate for all requirements of commerce and social order. His voice, which during the delivery of the rest of the address had been clear and melodious, but unimpassioned, now rose like a trumpet and resounded throughout the hall. He spoke of the calamities which would follow the dissolution of the Union and cried, "May

I not live to hear an apocalyptic angel crying through the heavens with such a voice announcing the fall of Babylon, 'Epesen, epese, Babylon ē megale'.<sup>2</sup>

As the sonorous Greek resounded through the hall, it seemed as if the angel himself were there and the trump of doom were indeed blown. A thrill passed through the whole audience and an involuntary murmur expressed more clearly than words how profoundly all were moved.

Years after this, I met a lady who had lived at Marshfield, and was intimate in the Webster family. She told me that during the summer of 1849, she was at dinner in Mr. Webster's house; he was quiet and preoccupied, contrary to his wont, and after dinner was over, he stood in front of the chimney piece in profound thought. Then he said, "If this strife between the South and North goes on, we shall have war, and who is prepared for that?"

As I listened to this address of Mr. Webster, it did not occur to me and I do not think it occurred to any person there, that his health was impaired. But in the summer, sickness came, and at the end of October, 1852, he died at Marshfield. His death produced a profound impression throughout the country. Never, except when Mr. Lincoln died, have I seen such expressions of grief and bereavement.

Union men throughout the country knew well that his speeches in Congress, his addresses on the platform and his arguments in the Supreme Court, had done more than aught else to convince the American people that they were living under a united government, and that this government had power adequate for its needs.

<sup>2</sup> "Babylon the Great has fallen, has fallen." Revelation xviii., 2.

It seemed when he died, as if the main support of the Union had been taken away. My father was elected delegate by the Historical Society and by the Bar of the City, to attend the funeral. In company with other delegates, and with many volunteers, we went to Boston. We left New York hung with mourning and found Boston even more funereal. My father and I went to the Revere House. It was the hotel most associated with Mr. Webster, and from there, on a beautiful autumn day, we went to Marshfield. The funeral services were simple. A prayer, some hymns, a selection from Scripture, a benediction, and the body was taken by friends and neighbors to the tomb. The hills were black with thousands of people who had come from all parts of the country to pay tribute to him. His death closed the epoch of compromise.

In 1853, Stephen A. Douglas, one of the Senators from Illinois, brought before the public his theory of popular sovereignty. Up to that time most Americans had believed that the Missouri Compromise, by which slavery could not be extended north of Mason and Dixon's Line, was a finality. Douglas proposed that the people of the territories, whether north or south of that line, should decide for themselves at the time of their admission to the Union whether slavery should be tolerated within their borders. But some Southerners claimed the right to take their slaves into any territory of the United States. Kansas and Nebraska were ready to be admitted to the Union, and the question became a practical one. It is

\* October 29, 1852.

hard to describe the intensity of public sentiment on this subject. The very mooting of the question astonished the North. The old Whig party went to pieces. Many Northern Whigs and Democrats united in the Republican party for the purpose of excluding slavery from United States territory, outside the jurisdiction of the respective States. The first Republican State Convention was held at Saratoga, New York, August, 1854.

On the other hand, many old Whigs, of whom Rufus Choate was the most brilliant representative, could not accept the Republican party because it was a sectional party and they thought that its whole spirit was adverse to the constitutional rights of the South and tended to disunion.

The leading issues in the Presidential campaign of 1856 were, on the one side, exclusion of slavery from the territories and resistance to the demands of the slave power; on the other side, the union of States and anti-sectionalism. Frémont was the Republican candidate, a picturesque figure, expressive of the spirit of adventure, dear to the heart of every American. Buchanan was the Democratic candidate, and round his dignified white-cravated person the conservatives rallied.

In the midst of the confusion incident to the dissolution of the Whig party, there had sprung up a new party, beginning as a secret political order, binding its members by oaths known only to themselves, and hence called in popular phrase, the "Know Nothings." They developed into the American party and in 1856 nominated Millard Fillmore for the Presidency.

There was at that time in many cities of the Atlantic Coast a prejudice against foreigners generally, and especially against Irish and Germans, as strong and unreasonable as the anti-Chinese and anti-Japanese spirit now prevalent on the Pacific Coast. A favorite watch-word of these “true born Americans” was an order alleged to have been issued by General Washington on some occasion of special danger: “Put none but Americans on guard to-night.”

In 1855 this party carried the State elections in Massachusetts and New York. It had great hope of carrying Virginia. But Henry A. Wise (afterwards a General in the Confederate Army) stumped the State with his usual vigor, while his opponent, Flounoy, stayed at home and was defeated. This was the turning point in the flood that had swept the new party along, and in 1856 its candidate received but eight electoral votes. Buchanan received 174 and Frémont 114.

But this election of Buchanan was not to produce peace. The struggle went on in Kansas. A constitution adopted at Lecompton legalized slavery. One adopted at Topeka forbade slavery. Robert J. Walker, the Democratic Governor appointed by Buchanan, reported that fraud and violence had been practiced in the election of delegates to the convention which framed the Lecompton Constitution, and Congress refused to admit Kansas under either Constitution. She was not admitted until January 29, 1861.

During this Kansas controversy, the growth of the great West had led to the admission of two new States

with free constitutions, Minnesota in 1858 and Oregon in 1859. The Kansas civil war had intensified the feeling in the North against the extension of slavery. The Republicans carried the elections in 1858 and in the House which met in 1859, after a long struggle, they elected William Pennington, of New Jersey, Speaker.

Meanwhile the famous contest between Lincoln and Douglas had attracted universal attention. Their joint debate in Illinois in 1858 was one of the most notable ever held. Lincoln had come to see clearly the vital question before us. In his speech delivered before the Convention which nominated him for United States Senator, June 16, 1858, he declared:

"A house divided against itself cannot stand." I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all States, old as well as new, North as well as South.

This was the keynote of his speeches. They won the Northern heart and convinced the Northern judgment. Of course I speak collectively. There were many Northern men who failed to realize the real nature of the impending crisis; but they were in the minority. In Illinois, Mr. Lincoln received a plurality of the popular vote. But the majority of the Legislature was against him, and Douglas was elected Senator.

The debate did not end with this election. In Congress and in every town and city, North and South, it continued with increasing heat. In 1860 the Democratic Convention met at Charleston, S. C., in April, to nominate candidates for the Presidency and Vice-Presidency. It broke into two parts. The pro-slavery men assembled at Richmond and nominated John C. Breckinridge who was then Vice-President. The popular sovereignty men met at Baltimore and nominated Douglas. A Convention of conservatives had already assembled and nominated for President, John Bell of Tennessee, for Vice-President, Edward Everett of Massachusetts.

Douglas's policy had broken his party in two. The breach in Convention was only the visible expression of this breach.

And now every eye turned to Chicago where the Republican National Convention met June 17, 1860. Seward led on the first ballot. On the third, Lincoln was nominated. He was the embodied expression of the new life which the Republican party had brought into American politics.

The great struggle began. I have taken part in many Presidential campaigns, but in none of them was there the enthusiasm, the wild resistless stream of emotion, as in that of 1860. Long processions of "Wideawakes" in improvised uniforms, with torches and banners, marched cheering through the streets of every Northern city.

In New York it was obvious that the only hope of defeating the Lincoln electoral ticket lay in a union ticket, upon which the electors favoring the three other candi-

dates should be represented. These electors, if they should receive the popular vote, were to divide the electoral vote of the State between the candidates they respectively represented. This device was agreed to at a great Union meeting held at Cooper Institute, October eighth. The assembly room was crowded and there were four or five out-of-door meetings; all enthusiastic. The people of New York City certainly were opposed to the new departure in American politics. They felt that there was real danger of disunion and they were united to the South by so many ties of blood, of affection and of commerce, that they could not endure the thought of severed States.

During this campaign I remember one impressive incident. Herschel V. Johnson of Georgia was candidate for Vice-President on the Douglas ticket. He spoke in Cooper Union to a crowded audience. He said:

Fellow citizens, I do not say this as a threat, I know you are too brave to take counsel of your fears. But you ought to know the truth. I must in honor and conscience tell it to you plainly. The election of Mr. Lincoln means disunion. Many of the Southern States will secede and there will be war between the North and South.

This bold statement was received with a storm of hisses. We were not ready then even to contemplate that prospect.

Very soon, however, Mr. Lincoln was elected. South Carolina and other States passed ordinances of Secession. They declared that the compact by which they became members of the Union had been violated and they withdrew. Delegates from seven States met in Montgomery,

Alabama, in February, 1861, and formed the Confederate States of America. Jefferson Davis was elected President. To conciliate the Union men who had opposed the ordinances of secession Alexander H. Stephens, who had been one of them, was elected Vice-President. The new Government was launched on the eighteenth of February, when Mr. Davis was inaugurated.

Mr. Buchanan looked on palsied by sorrow and doubt. He could not find written in the Constitution any authority to coerce a seceding State. His message to the Congress that met in December, 1860, at Washington was as hopeless as the lamentations of Jeremiah. Sentiment in the Northern States was slow to express itself. Some of the old Abolitionists thought it better to let the slave States go and thus break forever the "covenant with hell" which they claimed the North had wickedly made.

The border States, Virginia, Kentucky, Tennessee and Missouri did not secede but they counseled peaceable measures and opposed coercion.

On the fourth of February, 1861, a Peace Congress met at Washington, composed of delegates from twenty-one States, Northern and Southern. This assembled in response to a resolution adopted by the general assembly of Virginia, January 19, 1861. President Tyler was drawn out of his retirement and presided. They spent much time in debate and in proposing Constitutional amendments which would guarantee to the South immunity from interference with the institution of slavery. It was well intentioned but futile.

My first visit to Washington was during the session of

the Peace Convention. Washington was then, as now, a City of "magnificent distances." But the streets were mostly unpaved—Sahara in summer—a quagmire in winter. There were no telephones or trolley cars. A few lumbering omnibuses and hackney coaches were the only public conveyances. The White House, the Patent Office, and the Smithsonian were there. The Capitol and the Treasury were nearly finished. The Washington Monument had been begun, marble slabs sent by the States to be placed in its walls were visible. One of them read: "The State of Louisiana—always faithful to the Union of States." I used to mourn when I looked at that during the war. None of the stately mansions that now make Washington one of the most beautiful residential cities had been erected. The mud of the streets was expressive of the Slough of Despond in which the North was floundering.

The seven seceded States were trying to arrange terms upon which they should take over the forts, custom houses and post offices of the South. Down to the inauguration of Mr. Lincoln, the Federal Government continued to send mails to the seceded States and bring them back again. In many of the Southern custom houses duties were still collected. There had been no recognition of the seceded States. For commercial purposes, their ports were still ports of the United States.

Meanwhile the doubt and uncertainty which prevailed at the North began to palsy business. Merchants went into insolvency. "Men's hearts were failing them for fear and for looking at the things which were coming on the earth."

Very interesting light is thrown upon the condition of Northern sentiment by the message of Israel Washburn, Junior, who was Governor of Maine in 1861, and who, on the third of January of that year, thus addressed the legislature of that State:

The year 1860 had been one of unsurpassed prosperity. . . . While our view is cheered by so many badges of prosperity and signs of hope, a cloud, gathered in the Southern sky, is casting its portentous shadow over the land, occasioning uneasiness in the public mind, disturbing the industrial relations and financial operations of the country, and menacing the general welfare.

He went on to speak, first of the original feeling that slavery was an evil, and second of the change in Southern sentiment, the various aggressions of "the slave power," of its demand for extension and of the determination of "every true, brave and conservative man in the North that such concessions cannot be made." He declares:

The fantasy of secession is without foundation, either of authority or reason. It was denied by Mr. Jefferson and Mr. Madison in the earlier, and by General Jackson, Mr. Clay and Mr. Webster and even by Mr. Calhoun, in the later time. There is no such right in the Constitution; the President cannot permit it; Congress cannot grant it; the States cannot concede it.

On January 16, 1861, Governor Washburn transmitted resolutions of the State of New York tendering aid to the President of the United States in support of the Constitution and the Union. Similar resolutions were adopted by Massachusetts, February 1, 1861; by Maine, January 18, 1861; and by Wisconsin, February 2, 1861. On the

other hand, Tennessee protested against that of New York, February 12, 1861, which it describes as "coercing certain sovereign States of the South into obedience to the Federal Government."<sup>1</sup>

During all these dreary months, Mr. Lincoln's discretion was beyond praise. He spoke no words of bitterness and gave no sign of weakness. What little he did say made it clear that he stood immovable for the preservation of the Union.

One of the most interesting of historical riddles is the question—what would have been the result if the Federal Government had yielded to the prayer of the Confederate envoys and (to use a phrase of the day) "let the erring sisters depart in peace." Mr. Webster had often argued that "peaceable secession is an utter impossibility."

Who is so foolish [he cried] as to expect to see any such thing? I will not state what might produce the disruption of the Union; but, Sir, I see as plainly as I see the sun in heaven what that disruption must produce; I see that it must produce war.<sup>2</sup>

However, in 1905 the peaceable secession of Norway from Sweden was accomplished. Not a gun was fired. Norwegian envoys were received in Stockholm. The public buildings in Norway were delivered to the Norwegians. The debt was apportioned, and the boundary was amicably adjusted. Perhaps if either the North or South could have foreseen the blood and treasure that

<sup>1</sup> *Acts and Resolves of the State of Maine*, 1861, pp. 81-83, 87, 89, 90.

<sup>2</sup> March 7, 1850; *Writings and Speeches*, vol. x., p. 93.

four years' war would exact we might have done the same.<sup>1</sup> But very few foresaw anything of the sort. General Sherman did, and was ridiculed for it. Each side expected an easy victory. And so we drifted until the fourth of March, 1861. Mr. Lincoln had come East from Springfield. On Washington's Birthday he addressed the Legislature at Harrisburg, then took a special train for Philadelphia, and by night went to Washington in a special car, arriving there on the twenty-third of February, before he was expected.

Here old General Winfield Scott, who was Commander-in-Chief of our little army, took all needful steps for his protection. According to ancient custom, Mr. Lincoln and Mr. Buchanan went together to the East Porch of the Capitol. It was a strange contrast between the courtly old gentleman who had lost courage and the courageous Westerner full of life and "invincible determination." The only thing in literature to compare with it is Sintram's ride with Death. For the Pennsylvania statesman was more dead than alive, and the specters that assailed Sintram were not more formidable than the doubts and fears that beset the new Administration. There on the platform of the East Porch, Mr. Lincoln uttered these memorable words:

' Suppose you go to war, you cannot fight always; and when, after much loss on both sides and no gain on either, you cease

<sup>1</sup> As Miss Andrews says in 1865 in the interesting *War-Time Journal of a Georgia Girl* (p. 111): "The time to be blue was five years ago, before we went into it."

To quote also from Mr. Lincoln's second inaugural: "Each looked for an easier triumph, and a result less fundamental and astounding."

fighting, the identical old questions as to terms of intercourse are again upon you.

In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it.

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection.

## CHAPTER II

### THE CIVIL WAR—ITS BEGINNING, 1861

THE words of Mr. Lincoln were heard without appreciation. The crisis was at hand. Captain Anderson had been stationed at Fort Moultrie, but he knew this position was untenable, and in the night of December 26, 1860, he moved his little force of 109 men to Fort Sumter, the granite redoubt on the island in Charleston Harbor, situated much as Governor's Island is in New York Harbor. All efforts to provision him had been defeated by the Confederates. In January, the *Star of the West*, which was laden with supplies for his little garrison, was fired on and driven back.

General Beauregard commanded the Confederate forces on the mainland. He was not satisfied to starve Anderson out, and determined to dislodge him by force. On the twelfth day of April, 1861, he fired the shot which began the long and bloody war. The fort returned the fire, but the Confederate guns were too heavy and after a bombardment of about thirty hours Captain Anderson was compelled to surrender.

The indignation that had been smouldering in the North now burst into flame. Mr. Lincoln called for seventy-five thousand men to serve for ninety days, to suppress the

unlawful combination in the seceded States and to cause the laws to be duly executed. He could have had a million. No one who saw it can forget the great meeting at Union Square, New York City. My classmate Charles Henry Pratt and I went up in the tower of Dr. Cheever's Church, on the corner of Fifteenth Street and looked down on the multitude that filled the square. Five or six platforms had been erected, speakers were addressing the crowds "with heat and fire and force," and many were they who volunteered. The New York City Militia, the Seventh Regiment, the Seventy-first, the Irish Sixty-ninth, and the Scotch Seventy-ninth volunteered *en masse*. Their ranks were speedily filled by new recruits. The Seventh was the first to get away. From the front windows of what was then the new Broadway Bank building, on the corner of Park Place, where my office was and where the Woolworth Building now towers, I watched it march down Broadway. The files stretched from curb to curb. The sidewalks, shops and windows were thronged with people and the regiment was welcomed and followed by cheers from its armory on Seventh Street to the Cortlandt Street Ferry. Flags waved from every house and every steeple. The picture of this march, which hangs in the Seventh Regiment Armory, every New Yorker should see.

Meanwhile, within eight hours after the call was published, the Massachusetts Sixth had started for Washington via Baltimore. In those days railroad cars arriving from Philadelphia were drawn by horses to the station of the Baltimore and Ohio Railroad. The Massachusetts

men were, on the nineteenth of April, fired on as they passed through the streets and several were killed. Mayor Brown had the vain hope that Maryland might remain neutral in the great conflict. In order to prevent troops from passing through the city, he ordered the railway bridges in the vicinity burned. He and Teackle Wallis, another great citizen of Baltimore, whose statue stands in Monument Park, could not endure the thought of armed conflict between the North and the South. They had opposed secession and were Union men. But they agreed with Mr. Buchanan that coercion was illegal. They were arrested. Wallis was sent to Fort Warren in Boston Harbor. Their little dam was swept away by the torrent of war. General Butler, who commanded the Massachusetts troops, seized the great ferry-boats that, before a bridge was built, used to transport locomotives and cars across the Susquehanna at Havre de Grâce. On these, troops were transported from Perryville to Annapolis and thence they marched to Washington.

Confederate sympathizers had tried to disable the locomotives. But there were machinists in the ranks of the volunteers. The engines were speedily repaired; and soon trains were running from Annapolis to Washington. It was none too soon. The proclamation summoning volunteers to aid the President in suppressing the rebellion had fired the hearts of Virginia and North Carolina. Both these States passed ordinances of secession. Colonel Robert E. Lee, after a painful struggle, parted from Winfield Scott, his old commander, and their West Point

comrades who remained loyal to the Union, and felt bound in conscience to go with Virginia.

Confederate troops marched northward, receiving acces-sions as they came, and mustered in force about Manassas, only twenty miles from Washington. The Confederate Capitol was moved from Montgomery to Richmond.

The cry at the North was, "On to Richmond!" Troops, largely militia regiments, had been summoned in haste and sent to Washington. General McDowell was put in command of the army in front of the city. General Patterson had a division at Harpers Ferry. The Confederate forces also were divided, watching each of the opposing armies. The question of victory was a question of combination. The Confederates had the inner line, Patterson was old and sluggish, and they gained the first battle of Bull Run.

Mrs. Burton Harrison has brought to light a furtive mes-sage that enabled the Confederates to make the combina-tion that won this victory. She relates that a lady in the family of Mrs. Dolly Madison sent this message on the 15th of July to General Beauregard: "McDowell has certainly been ordered to advance on the 16th.—R. O. G."<sup>1</sup>

McDowell did advance on the 17th. On the 18th the battle was fought. All was going well with the Union forces and victory seemed within their grasp when General Johnson, who had been summoned from Martinsburg, came down upon our right as Blücher did upon Napoleon at Waterloo, and we were defeated and driven back in confusion.

<sup>1</sup> *Scribner's Magazine*, March, 1911, p. 324.

That was the only battle ever fought on this continent, so far as I know, in which a regiment went into the fight in the Highland garb. Many indeed and varied were the uniforms of the different militia regiments that had been enlisted on one side or the other.

This dispatch, which Mrs. Garrison has thus brought to light, was after all a misfortune to the Confederacy. A defeat in the first battle would have shortened the war. The longer it lasted the more destructive it was to both sides, but especially to the South on whose soil it was mainly waged.

The dismay and disappointment with which the news of this defeat at Bull Run was received at the North, were proportionate to the confidence with which we had greeted McDowell's advance. We rallied quickly to new exertions and demanded a new commander. George B. McClellan had cleared the Confederates out of West Virginia and he was sent for, and placed in command of the Army of the Potomac.

Congress meanwhile had assembled and was making provision for increased Army and Navy. Recruits came forward rapidly to replace ninety-day men, though many of these re-enlisted. Speedily the whole country became one great camp. McClellan had a genius for organization, and in the winter of 1861–62 he organized an effective army which assembled in Virginia in front of Washington.

Meantime we began to blockade the Confederate ports. The blockade had been declared on the nineteenth of April, 1861. The Richmond Government commissioned privateers. The *Savannah* was captured, was brought into

New York, and her captain and crew were indicted for piracy and brought to trial before Mr. Justice Nelson (of the Supreme Court) and Judge Betts (of the District Court) in the Circuit Court of the United States for the Southern District of New York.

The defense was that the Southern States had seceded and formed a new government, that this was at any rate a government *de facto* and had the right to commission privateers, and that their warfare was lawful war, and not piracy.

All the leaders of the bar took part in that trial. Mr. Evarts assisted E. Delafield Smith, the District Attorney. On behalf of the prisoners there were Charles O'Conor, James T. Brady, Daniel Lord, Francis B. Cutting and Jeremiah Larocque. The jury disagreed. The defendants were not put on trial a second time. By that time the Government at Washington had discovered that there were blows to give as well as blows to take, and that to ignore the *de facto* character of the Richmond Government would lead to reprisals, which would be inhuman and disastrous. It had also been discovered that if the Southern Government was not entitled to be considered as a belligerent, if it was really only an organization of insurgents, foreign merchants were entitled to enter ports which were in law still ports of the United States, and could not lawfully be blockaded. The blockade was our most effective weapon and could not be relinquished.<sup>1</sup>

<sup>1</sup> They were properly recognized as belligerents. Field, J., in U. S. v. Pacific R. R., 120 U. S. 227, 238.

## CHAPTER III

### THE CIVIL WAR, 1862-1865

DURING the winter of 1861-62 there was active preparation on both sides. The Confederates had captured the navy yard at Norfolk and the *Merrimac* frigate, razed her, covered her sides and deck with iron, and thus produced the first armored cruiser. On the eighth of March, 1862, she attacked our wooden fleet in Hampton Roads, sank the *Cumberland*, and compelled the *Congress* to surrender. Their cannon-balls rebounded from her iron-clad sides. Lieutenant Morris, of the *Cumberland*, reported to Washington: "I can only say in conclusion that all did their duty and we sank with the American flag flying at the peak."

In the North we felt that the *Merrimac* might sally forth at any time, break into the harbor of New York, destroy our shipping and levy a contribution on our banks.

Meanwhile Captain Fox, Assistant Secretary of the Navy, had given ear to Captain John Ericsson's project for a turreted ironclad that should carry one gun of great caliber. Secretary Welles approved, and Ericsson constructed in New York Harbor what was aptly described as "a cheesebox on a raft." Her hull was arched at the top, and pointed at each end. It was awash. The turret

rose in the center, and rotated on ball bearings. The one great gun could thus be brought to bear on any objective. There was no top hamper of any sort.

In this novel craft, the *Monitor*, Lieutenant John L. Worden sailed from New York on the eighth day of March, 1862. Some had faith in her, but more doubted. When she reached Hampton Roads, on the ninth, it was another case of David and Goliath. For the apparently puny antagonist had missiles that broke through the *Merrimac's* armor, and disabled her. She fled and was finally run ashore and destroyed. The exultation in our Northern ports was unbounded. From this beginning sprang all the modern navies. New York City has done well to erect a statue to John Ericsson, with a model of his *Monitor*, and place it on the sea wall at the Battery, where he looks out day and night over the harbor which his genius and perseverance saved from devastation.

Under the leadership of Commodore Foote, it was decided, during the year 1861, to make a vigorous campaign on the inland waters of the West, the Mississippi, the Ohio, the Tennessee and the Cumberland. Various bluffs on these rivers had been fortified by the Confederates, and it was the conviction of Commodore, afterwards Admiral, Foote, that these could be bombarded from the water. Mississippi steamboats were taken, temporary protection was improvised by the erection of a timber roof over the sides and deck, which roof was covered with railroad iron. These were the gunboats of our first Mississippi flotilla.

It was obvious that to produce any effect upon the forts which had been erected on the bluffs mortar-beds would

be necessary, upon which to place the mortars which should throw shells over the breastworks. We had no supply of mortar-beds in the arsenals. The Government advertised in the regular way for bids. The earliest date that any of the contractors bidding would undertake delivery was the first of May. But Foote wanted to get the flotilla at work in January, and some one suggested that Abram S. Hewitt was a man of extraordinary energy and efficiency, and that his firm might undertake to supply the mortar-beds in January. Mr. Hewitt took the contract. His foundry worked night and day and the mortar-beds were delivered and placed on board the gunboats in time.

On these the mortars were placed, and it was with them that the bombardment of Fort Donelson was made effective on the fourteenth of February, 1862. The land forces were commanded by Ulysses S. Grant, whose star then rose above the horizon.

Then Mr. Hewitt sent his account to the Government and requested payment. But it turned out that in the exigencies of the moment the usual formalities attending upon the making of a contract had been overlooked, and Simon Cameron, Secretary of War, objected to the bill. The firm was not so strong financially that it could afford to lose the money. Indeed, there was danger that the loss of it might drive them into insolvency.

Accordingly Mr. Hewitt went on to Washington to see Mr. Lincoln. Lincoln heard the story, wrote with his own hand on a sheet of note paper an order to Mr. Cameron to pay the bill, and it was paid accordingly.\*

\* This was told me by Edward M. Shepard.

While Grant and Foote were busy in the West, McClellan decided that the best way to attack Richmond was from the south. He moved his army by sea, to Fortress Monroe and Hampton Roads, and they began their march up the peninsula.

Alas! like the British general, whom Morley describes in his *Life of Gladstone*, McClellan had every quality necessary to the great general but one: "He never knew when to say 'Forward! March!'" He let Magruder humbug him with sham guns at Yorktown. If Washington had been as slow there, the independence of the United States might never have been achieved. McClellan had a well organized army which trusted and loved him. He was good to his men, and they appreciated it. But he marched slowly. A vigorous campaign would have brought him into Richmond, whose spires he could see on the twenty-fifth of June. He was continually demanding reinforcements, which could not be given. Finally he decided on a change of base from the York River to the James. He burned all the supplies he could not carry, and marched across the peninsula. There were seven days of fighting (June 25-July 1, 1862), which ended in the Confederate defeat at Malvern Hill, a repulse in which the gunboats on the James afforded important aid.

Here again were days of alarm and anxiety. When the army broke up its camp on the York River its telegraphic communications were severed. Vague rumors of defeat ran through the Northern cities. At last we knew that the army had fought a good fight and was safe. If

McClellan had shown as much energy in advancing as he did in this change of base, the campaign would have had a speedy end.

From his new quarters at Harrison's Landing he began once more to assail the Administration. As we read his dispatches now, it seems as if he were "riding for a fall." At any rate the fall came, and he was superseded.

As the whole miserable story is now known, it is easy to see that this was inevitable. McClellan had made himself impossible. But in those days only a part was known to the public. McClellan had his partisans who maintained that he had not been properly supported from Washington, because he was a Democrat, and it would not do to let a Democrat have the glory of ending the war. The McClellan myth, as we must now in candor call it, was an important factor in the fall elections of 1862.

Meanwhile the Administration had made one great mistake. McClellan had established an army within twenty miles of Richmond, with an unassailable base of supplies from the sea and up the James River. The true course would have been to put a skilful and aggressive commander at the head of his army and let him lead it on to battle, with every prospect of victory. But the slowness and insubordination of McClellan had condemned his plan of campaign in the eyes of the Cabinet at Washington. As Napier says in his *History of the Peninsular War*: "The blood of the soldier has to pay for the blunders of the politicians." The army was brought back from the

James River and taken again to Washington.<sup>1</sup> The work of six months was undone. The Army of the Potomac, was doomed to begin its work all over again, and worst of all it was placed in command of that wrongheaded and incompetent officer, General Pope. He declared, "My headquarters are in the saddle." And they were. He was outgeneraled by Lee at the second battle of Bull Run, August 30, 1862, and the army was driven to take shelter behind the forts that protected Washington. Indeed for a time that city was in danger of capture. Lee's army was in front of Washington before ours. The department clerks were armed and put in the intrenchments. But soon the Union soldiers debarked from the transports, marched through the streets of Washington, and we breathed freely once more.

Pope was discredited and was relieved. But with the meanness and spite characteristic of small men in disgrace, he endeavored to throw the discredit of his defeat upon what he alleged to be the treachery of General Fitz-John Porter, one of the ablest of McClellan's generals. Porter was court-martialed and condemned to be shot. President Lincoln commuted the sentence. Porter finally got an Act of Congress, permitting the case to be reopened, and was able to show that the testimony against him was prejudiced and unfair, and that he had really handled his army corps, just landed from the transports, with courage and ability. But the country lost his services which were needed.

<sup>1</sup> This blunder is commented on in Ropes' *History of the Civil War*, vol. ii., pp. 241-243, and in *Histoire de la Guerre Civile*, Comte de Paris, tome iii., f. 441 *et seq.*

And now the triumphant Lee, finding the forts of Washington too strong for him, led his victorious army down the Shenandoah Valley, crossed the Potomac, seized the fort at Harper's Ferry, and invaded Maryland. His scouts, according to a report made to me by my cousin, Lewis H. Wheeler, were within thirteen miles of Baltimore on the fifteenth of September, 1862. His troops were in light marching order. There were but three tents in the whole army, those of Lee, Jackson and Ewell. They hoped for a general rising in Maryland, but few recruits joined the Confederate Army there.

Pope's disgraceful defeat had led men to cry for McClellan, who had at least led his army in sight of Richmond, and in September he was once more placed in command of the army of the Potomac. He led it to victory at Antietam, September 17th, 1862. Here was a second opportunity such as rarely falls to the lot of mortals. Had he followed up his victory with vigor, he might have crushed Lee's army. Mr. Lincoln again and again urged him to pursue his defeated adversary. But all was in vain. Lee was allowed to recross the Potomac and retreat at his leisure, and McClellan was once more, November 7, 1862, relieved from his command. Again he thought himself a martyr. Many good citizens who did not know all the facts believed him so to be.<sup>1</sup>

Meanwhile the question of emancipation of the slaves had come to the front. Those slaves who remained on plantations and in the cities, did work that was as neces-

<sup>1</sup> A graphic story of Mr. Lincoln's relation to General McClellan is to be found in the diary of Gideon Welles.

sary to the existence of the Confederacy as that of the armies in the field. The North began the war for the preservation of the Union, but we came to feel that this could not be accomplished without the emancipation of the slaves.

On the sixteenth of April, 1862, slavery in the District of Columbia was abolished, with compensation to the owners of the slaves. In June of the same year, Congress passed a law prohibiting slavery in any territory of the United States, which it then owned or should thereafter acquire. On the seventeenth of July, an Act was passed setting free all slaves who should seek the protection of the Federal Government, if their owners had taken part in the rebellion.

President Lincoln urged Congress to make provision for compensating the Southern slaveholders, if they would voluntarily emancipate their slaves and return to the Union. The Southern States received this proposition with scorn, born of ignorance of the temper of the Northern people. It is not, therefore, surprising that Mr. Lincoln should have prepared a Proclamation of Emancipation, which he read to his Cabinet on the twenty-second of July, 1862. Carpenter's picture has made us familiar with that memorable scene.

Mr. Lincoln sought Divine guidance most earnestly during this period of storm and stress. He prayed for victory, and resolved not to issue the Proclamation unless there should be a decided victory of the Union Army. This came at Antietam. Five days after that victory the preliminary Proclamation was issued, warning the South

that, unless they should return to their allegiance within one hundred days thereafter, he would declare all the slaves free within the seceded States. The warning was unheeded, and on the first of January, 1863, the final Emancipation Proclamation was issued. The President's authority to do this under the Constitution was denied. Obviously no express authority had been granted. Lincoln's own defense of his action was the best.

"Measures otherwise unlawful might become lawful by becoming indispensable to the preservation of the Constitution, through preservation of the Nation. Right or wrong, I assume this ground."

If Mr. Lincoln had waited for the final Proclamation until after another victory, it would not have been issued on the first of January, 1863.

When McClellan was superseded, Ambrose E. Burnside, of Rhode Island, was appointed to succeed him. Burnside was an excellent Division Commander, and had served with distinction in North Carolina. He distrusted his ability to command an army, and it would have been well for him and for the country if he had adhered to his first refusal to accept the position of Commander-in-Chief. However, he did accept the office and led his army to the Rappahannock, opposite Fredericksburg. The only possibility of success in such a movement was to cross that river before Lee had an opportunity to fortify Marye's Heights on the south bank. Two pontoon trains were sent from Washington upon which it was expected the troops would cross. One of them was sent by water and arrived on time. The other was sent by land, stuck

in the mud, and the army waited for a week. Meanwhile Lee fortified the Heights, and when the pontoons finally arrived and the orders were given to advance, the Union Army confronted an impossible situation. A college friend of mine, Dr. George E. Post, who afterwards became head of the Medical Mission College at Beirut and was known and honored throughout Syria for his devotion and his skill, told me that when the pontoon train commenced to lay the pontoons at the upper crossing, sharpshooters on the opposite bank picked the men off as fast as they stepped on the raft. Again and again men were sent forward, but every man who set foot on the raft was killed or mortally wounded.

Under these circumstances, the general in command ceased to make further attempts. Burnside came galloping up in the afternoon and inquired why the pontoons were not laid. The reason was given, and he asked with just anger, "Why did you not send a regiment across at the ford farther up the river, and drive the sharpshooters away?" This was done, but too late for crossing that day. The next morning (December 13, 1862), the army crossed on the two pontoon bridges, and again and again charged up Marye's Heights. Post told me that the files of men as they fell on the ground under the Confederate fire looked like the swaths of grass as the scythe cuts them down.<sup>1</sup> We lost over 12,000 men. "No other such useless slaughter," says General Dodge, "with the excep-

<sup>1</sup> "As when two lines of reapers face to face  
In some rich landlord's field of barley or wheat  
Move on, and fast the severed handfuls fall."

tion of perhaps Cold Harbor, occurred during the war." It was one of the instances, not uncommon in military history, where a general does not know how to coördinate his forces, and fails to unite them in concerted action. General William B. Franklin commanded the Union left wing. He had orders to hold his corps in readiness to cross the river below Fredericksburg and attack the Confederates in the rear. If the order to advance had been given by Burnside it might have saved the day. But it never was given; and the battle was lost.

Burnside then had failed disastrously and "fighting Joe Hooker," as he was called, was appointed to succeed him. Hooker also was an excellent Division Commander, but inadequate to the command of a great army. He determined to cross the river farther up. His forces outnumbered Lee's, two to one, but he divided them. He failed to maintain a vigilant outlook, and his right wing was surprised.

Carl Schurz, who commanded a division in General Howard's army corps, told me that he had in vain urged upon Howard to keep skirmishers out well upon their flank. He had observed the foxes and squirrels running out of the woods and was sure that this flight was caused by the advance of a large body of men. But Howard would not listen, and men were playing cards in the trenches when the Confederate skirmishers looked over the earthworks.

The defeat at Chancellorsville (April 30, May 1-4, 1863), was more disgraceful than that at Fredericksburg, and the Confederate courage was correspondingly in-

creased, notwithstanding the death of that great leader, Stonewall Jackson. Lee felt the time had come for another invasion of the North and prepared to move his army once more down the Shenandoah Valley.

Meanwhile these repeated defeats had brought discouragement to the North. Voluntary enlistments were insufficient to keep up the army. An Act of Congress provided for conscription, or, as we called it, a draft, and preparations were made in many of the Northern States for this compulsory method of recruiting our ranks. It was very unpopular. Just as Lee had reached Pennsylvania and met the Union forces at Gettysburg, draft riots broke out in New York. Most of the militia regiments of New York had been sent to the support of General Meade's army in Pennsylvania. For three days it seemed as if the city might come under the control of the mob. Houses were burned, among them the Colored Orphan Asylum, which then stood on Fifth Avenue near Forty-fourth Street. The offices of the provost marshals, who were to conduct the draft, were destroyed. Joseph H. Choate assisted one of the Abolition champions to escape, leading him over the roofs of buildings in the same block and down through another house which was remote from their attack.

Governor Horatio Seymour came to the city and took up his headquarters at the St. Nicholas Hotel. Leading citizens, among whom was my father, were called into his councils. I was asked to and did make a brief as to the Governor's power in such cases. It was determined to use all possible efforts to suppress the riot. Seymour

went down to the City Hall and there stood in a window, addressed a crowd in the park, and urged them to disperse.

The habitual phrase with which Seymour commenced a speech was "My friends." He used this phrase in his speech to the mob, and was bitterly assailed for calling the rioters his friends. But his speech did good, and the vigorous measures which he adopted and the efficient action of the New York police saved many buildings from destruction, among them the Tribune Building, which was an object of partisan bitterness.

During these riots all public methods of transportation in the city were suspended. On one occasion I managed to get up-town by crossing the Barclay Street ferry to Hoboken, and taking an uptown ferry to Christopher Street, then pretty well up-town.

After the victory of Gettysburg, General Butler arrived on the scene with Federal troops and talked and acted as if he would dominate New York as he had dominated New Orleans. But his vaporings were not what restored order in the city. That was achieved before he came.

It is difficult to exaggerate the alarm which was felt in the cities of the Atlantic seaboard when Lee's army had advanced into Pennsylvania. It was the only time during the Civil War when any considerable Confederate Army reached a point in the Northern States north of the Mason and Dixon line. Nothing but Meade's army lay between Lee and Philadelphia, and it seemed as if Stuart might water his horses in the Delaware. Meade's army was there, it is true; but Lee had defeated Burnside. He had defeated Hooker, and when the Confederate regiments

advanced to the attack at Gettysburg, it seemed that there too, they might be successful. Nothing is more honorable to the Northern troops than their victory on that memorable third of July, 1863. They fought with as much courage and vigor as if they had been crowned with victories, instead of being overshadowed by defeats. As a last desperate effort, Lee sent Pickett with thirteen thousand Confederates to break the center of the Union line. They advanced with dauntless courage, but were swept away by the combined fire of cannon and musketry. A few of the most vigorous did actually break into the Union lines. But the fire was overwhelming, and most of the men that shared in that gallant attack were left on the field of battle.

Then, Mr. Schurz told me, the Union soldiers swarmed up on the top of the earthworks, waved their colors and their hats. Some of these perched their hats on the muzzles of their guns and shouted to be led to a final charge. It might—it probably would—have been successful and broken Lee's army to pieces. But those Confederate troops had fought so well on so many battlefields, and the memory of their valor and of the skill of their commanders was so fresh in the mind of Meade, that he did not give the order to attack, and Lee was allowed to retreat. Meade followed him at a distance, and Lee found refuge in his native Virginia on the thirteenth of July.

When the news of victory came to Rutland, Vermont, where a serious Fourth of July celebration was going on, it was received with the same acclamation that welcomed

it throughout the North. But the band had the bad taste to play *The Rogue's March*. There were some who shared the bitterness which prompted this exultation, but with most of us the courage and daring of the Confederate troops and of their great leader had won respect and admiration.

At the same time that the good news of Gettysburg reached us, there came the news of the surrender of Vicksburg. It had from the first been one of the objects of the Union leaders to gain the control of the Mississippi and in this way to cut the Confederacy in two. The Confederate stronghold on the Mississippi was Vicksburg. The fortifications were on a bluff too high to be attacked by the fleet. General Grant determined to send the fleet down the river, running the gauntlet of the Confederate batteries, to cross the Mississippi with the army below Vicksburg, and then to attack the Confederates, under Joseph E. Johnston, who were covering the fortress. Thus he would separate Johnston from the garrison of the city, open his own connections with the North, and devote himself to the siege undisturbed. All this he accomplished successfully. He cut loose from his base of supplies entirely for a time, lived upon the country through which he marched, defeated Johnston, and completed the investment of Vicksburg. Two assaults upon the city were repulsed, but it was finally starved into submission, and surrendered on the fourth of July, 1863.

Nothing is more honorable in Sherman's Memoirs than his frank acknowledgment that "the campaign of Vicksburg, in its conception and execution, belonged exclusively

to General Grant, not only in the great whole, but in the thousands of its details."

A curious story of this siege is told by one of the North Carolinians who took part in the defense. He and his brother got leave to go in a dugout into some of the bayous and catch fish for the use of the starving garrison. They had strict orders not to fire except in self-defense, and promised to obey. They got a good catch of fish, and on their way back saw a camp-fire on an island, and around it Union officers in council. One of these they afterwards recognized as General Grant. One of the Confederates raised his rifle to shoot, but his brother struck down the arm and cried, "My God! Have you forgotten your word of honor?" The shot was not fired, and Grant's life was saved, for the Confederate was a dead shot.

General Banks, with the Nineteenth Army Corps, had meanwhile been besieging Port Hudson, below Vicksburg, which the Confederates had converted into a fortress. Several assaults had failed, but our trenches were pushed forward till we were prepared to explode a mine under the ramparts. A truce was asked for on the eighth of July, the same day the Confederates surrendered, and by the twelfth, our army was established in the city.<sup>1</sup>

It is hard for one who did not live during those times of storm and stress to realize the alternations of hope and fear with which the news in the daily papers was received. There were many victories, but there were also many defeats. New York City was not the scene of actual conflict, but the Eastern and New York regiments, on

<sup>1</sup> A graphic account of this siege is in Hosmer's *Color Guard*, pp. 164-222.

their way South, generally came by rail or by boat to New York City, were stationed for a day or two in the barracks at the south end of the City Hall Park, where the Post Office Building now stands, and were then forwarded farther south either by sea or rail. My father's office and mine was directly across the street from the barracks, and there was hardly a day in which he did not go across Broadway to have a talk with some of the soldiers. He took them tobacco; but more welcome than this, he took them hearty goodwill and friendly feeling. The regiment that interested him most was a Maine regiment of lumbermen from Aroostook County. Every man was over six feet high. Father was six feet three, and he rejoiced to meet these Maine giants. There was a sergeant who was six feet six. As father shook hands with the sergeant when they parted, he said, "I hope the Lord will take care of you." "Ah," said the frontiersman, "if He don't, He won't understand His business."

In those days there was not a week in which a military funeral did not pass down Broadway. The favorite tune for the band which accompanied these funerals was the Portuguese Hymn. Many a time have I seen my father pause in his work, sit up in his old college chair, and listen to the notes as they came in through the open window.

During all this time of turmoil the question of finance was constantly becoming more important. The Government had suspended specie payments in 1861. The customs duties were payable in gold. On this source of income it relied to pay the interest on its bonds, which it

had stipulated should be paid in gold. The ordinary transactions of the country, however, were based upon the legal tender currency which Secretary Chase had recommended to Congress. This was treated as par. The nominal value of the gold dollar fluctuated. There was a time during the dark days of 1864, when a gold dollar was worth \$2.80 in currency.

When we began the war one of our greatest sources of inconvenience was the lack of silver change. I went to Canada in June, 1861, and was absent a fortnight. When I left "the States," silver was in common use. When I returned, not a piece was to be seen and people were struggling with postage stamps. Cities and towns issued little notes for five, ten, twenty-five and fifty cents. Finally the United States Government provided what was known at first as "postal," and afterwards as "fractional currency." These contrivances formed the entire currency of the country for small change until specie payments were resumed in 1879.

And now let us return to this victorious month of July, 1863. The confidence of the North in the successful termination of the war steadily increased throughout the rest of that year. Grant won the decisive battle of Chattanooga, November 23-25, 1863, drove the Confederates out of the Tennessee mountains and opened the way to the sea. His success led to the revival of the rank of lieutenant-general on the last day of February, 1864. He was immediately appointed to this position and soon after was made Commander-in-Chief of all the armies of the Union. He assigned Sherman to the command of the

Western Army and he himself undertook to lead the Army of the Potomac.

Here again many of us thought that politics had something to do with the plan of campaign that was adopted. McClellan had been removed from command and was at his home in Trenton, subject to order but receiving none. He was a conspicuous figure in the political debates, and many at the North still believed in him. Naturally the leaders of the Democratic party looked to him as an available candidate in the Presidential election of 1864. Many felt that McClellan's plan of assaulting Richmond from the south, on the line of the James River, was the true plan; and that the nature of the country between Washington and Richmond was such that the Confederates could not be defeated if assailed on that line. Therefore, when Grant undertook to march directly across that rugged and broken country, which was aptly called the Wilderness, and to attack Lee in the front, many thought that the wiser plan of campaign had been given up because to adopt it would have been to reflect credit upon the discarded leader. Certain it is that Grant's frontal attacks on Lee were bloody and unsuccessful. It used to be said among the soldiers at that time, that the order after every frontal attack had been repulsed was, for the next day, "By the left—march."

The battle of Cold Harbor (June 3, 1864), was the most bloody of all these combats in the Wilderness. When the first assault had been repulsed with terrible bloodshed, an order to repeat it was received by the troops in silence, and by common consent disobeyed. They knew by the

experience of the morning that success was impossible. Grant saw that the troops were right, and the order was recalled. This, at any rate, was the story told me by Brigadier-General Titus, who was there.

After Cold Harbor, Grant's order, "By the left—march," gradually brought the Union Army to the James River, and he began the siege of Petersburg. General Wilson, in his book, *Under the Old Flag*,<sup>1</sup> describes the discouragement that prevailed in the army. The aggregate Union losses in the Virginia campaign from May 5 to June 12, 1864, were 39,259.<sup>2</sup>

The discouragement of the army was intensified at home. Soldiers' letters to their friends expressed it; the newspaper correspondents told it, and it permeated our people. It was largely responsible for the declaration in the Democratic platform of that year that the war had proved a failure to restore the Union. Voluntary enlistments were few, yet conscription was unpopular. The Government determined the quota of men which each district, city, town or county, as the case might be, should furnish. These municipalities offered large bounties to men who would enlist to fill their quotas. In some cases the bounty was as high as \$800. There were brokers who made a business of supplying recruits to fill the quotas. Finally these were filled and the depleted ranks replenished. This practice continued through the latter part of 1863 and the whole of 1864.

Meanwhile there were many extreme Republicans, especially those who had been before the war Abolitionists,

<sup>1</sup> Vol. i., pp. 444-448.

<sup>2</sup> Grant, *Memoirs*, vol. ii., p. 290.

who found Mr. Lincoln's policy too conservative. They attacked him bitterly. Mr. Lincoln was silent under these attacks. He left his works to justify him. Many friends were ready to advocate his cause. The Progressives, as they would have probably called themselves, had they been acquainted with the vocabulary of 1912, finally withdrew their candidate, John C. Frémont, and Mr. Lincoln received undivided Republican support.

Let me here relate an anecdote of Mr. Lincoln, told me by W. J. A. Fuller, a distinguished New York lawyer of those times, which not only throws light upon Mr. Lincoln's character and shows one reason why he was greatly beloved, but illustrates the conditions which prevailed during the war.

During the dark days of 1864, when the bloodshed in the Wilderness threw gloom over the whole North, desertions from the Union Army increased, and an order was sent from the War Department that deserters when captured and tried should be shot. Fuller had a son in the army who received a furlough to go home and visit his family. The train on which he was returning to the army met with an accident and young Fuller was unable to reach his regiment within the time limited by his furlough. He was court-martialed and convicted of desertion by a Board that was impressed with the necessity of making an example and would listen to no excuses. Accordingly he was condemned to be shot. The father went to Washington, told his story to Mr. Lincoln, and Lincoln wrote with his own hand an order to the Secretary of War directing him to release the son and return him to his regiment.

Armed with this, Fuller went to see the Secretary. He found Mr. Stanton preoccupied. Fuller announced his errand. The news of Mr. Lincoln's clemency was received with anger by the Secretary, and he reached out his hand for the President's letter. Fuller thought he saw in Stanton's eye, that if he gave this to Stanton it would be torn up at once and the message of clemency would be unavailing. He said to Mr. Stanton: "I will give this to you when I receive from you the order for my son's release, but not before." Stanton broke out with angry oaths, but Fuller was firm. The order was dictated and signed by the Secretary of War, and was telegraphed at once to the front. Young Fuller was released, and later in the campaign died bravely fighting for the Union.<sup>1</sup>

And now I must return to my story of the end of the war.

The Democratic Convention which met at Chicago in August, 1864, made the great mistake of declaring in their platform that the war had failed to restore the Union. The statement was received with indignation by the North. Whatever had been the result up to that time, the North was almost unanimously determined that the war should not be a failure, and that the Union should be preserved.

McClellan was clear-sighted enough to perceive this, and in his letter of acceptance he declared for the continuance of the war for the restoration of the Union. His supporters conducted the campaign upon the letter of acceptance and not upon the platform. But it was ob-

<sup>1</sup> The account which Fuller gave me of his interview with Stanton is paralleled by an account which General Wilson gives in his book, *Under the Old Flag*, vol. ii., pp. 53-58.

viously impossible to change the President during such a war. McClellan received a large popular vote (1,802,237, as against 2,213,665 for Mr. Lincoln), but in the Electoral colleges there were only twenty-one to vote for McClellan as against two hundred and twelve for Lincoln. Lincoln's phrase that "it was not best to swap horses while crossing a stream," was in every mouth and, like many of his pithy phrases, was an argument in itself. However, it was not only this consideration but the succession of Union victories that aided the Republican cause. Sheridan had defeated Early in the Shenandoah Valley; Sherman had captured Atlanta; Grant, though with terrible losses, had inflicted great losses upon the Confederate Army. The blockade had become effective.

No history of the war will ever be complete without an adequate account of this blockade. The Confederate sailors were skillful and daring. They painted their blockade-runners the color of the sea and taught their stokers how to throw soft coal into the furnaces a little at a time, leave ample air space, and thus consume the smoke. They carried to England millions of bales of cotton which reached at one time the price of one dollar a pound. The proceeds of this cotton were security to the holders of Confederate bonds and enabled the purchase of supplies of all sorts for the people of the South. The Southern States had been almost purely agricultural and had been dependent upon the North or upon Europe for many of the commonest necessities of life: for needles, pins, nails, tools, machinery of all kinds. A Confederate lady who lived in North Carolina during the war told me that

by the winter of 1864 that part of the South was destitute of needles. Some hand-looms had been set up. The juice of the butternut was used as a dye. But in many cases when the clothes were cut they had to be fastened together with thorns from the trees, as there was nothing to sew them together with.

The Confederate sick, in consequence of the blockade, suffered inexpressibly from the want of medicines, especially quinine; and the few blocks of ice that were garnered in the northern districts of the Confederate States were treasured in the hot summers and were almost as precious as gold. Of specie in circulation there was none. The Confederates had, early in the war, resorted to a legal tender currency. These notes were payable six months after the ratification of a treaty of peace between the North and the Confederate States. In one sense, therefore, they were never dishonored, because they never became due. Their value steadily depreciated. It used to be said that a man would go to a shop with a wheelbarrow full of Confederate notes and come back with a pocketful of goods.

During the war, the people of the Northern seaboard cities got a distinct impression of the rigor of the blockade, when Confederate blockade-runners were brought in for condemnation. One in particular, the *Peterhof* with a large and assorted cargo, was brought into the harbor of New York, condemned by the Prize Court, and the goods were sold at auction in the winter of 1864-65. There were army saddles, cavalry boots, needles and pins; and school books that had been printed in England for the use of the

Confederate schools. One of these was *A Geography for Beginners*. It contained a history of the Confederate States, beginning with an account of the discovery of America by Columbus and the settlement of the Atlantic coast; of the French and Indian Wars; the War of the Revolution and the rest, and concluded with an account of the Declaration of Independence by the Confederate States. It glorified their early successes and ended thus:<sup>1</sup>

Every effort that human ingenuity could contrive, or immense resources of money and vast armaments on sea and land could accomplish, was made by the Northern Government to capture the capital and other important places, and break up the political organization of the Confederacy.

But by the constant, evident and acknowledged aid of the God of Battles and King of Nations, these efforts have all failed; and, at vast expense of suffering and blood, the people of the Southern States have fought their own way to political independence, and the respect and amity of the great nations of the world.

One of the unique features in the election of November, 1864, was the vote by proxy. Most of the Northern States had passed laws providing for the soldiers' vote. Blanks were prepared and printed, to be signed by a soldier and sent to someone in the North whom he appointed to cast his vote. I received several such proxies myself, and spent the whole November day in voting them after I myself had voted. There were long lines at the polls. The

<sup>1</sup> *A Geography for Beginners*, by the Rev. J. K. Stewart, Richmond, Va.; J. W. Randolph, 1864, p. 43.

interest was intense. Every registered voter tried to vote, and the number of polling places was inadequate for the number of electors; so that when the sun had set and the polls closed, there were at many polling places long lines of those who had not yet voted.

During that memorable winter of 1864-65 we received from time to time news of Sherman's triumphant march. The story of that has often been told and need not be repeated here. It must be said that Sherman's army did not follow Lee's example. Lee's orders when he invaded Maryland, were to spare private property.<sup>1</sup> It seemed to be the purpose of General Sherman to destroy as much as possible. In the diary of Miss Andrews, which has been referred to, a detailed account is given of the wanton destruction of supplies, buildings and property of every sort on the line of march throughout the State of Georgia. Horses and cattle were killed and thrown into the brooks. It seemed to be forgotten that the war was for the restoration of the Union; that we expected these Americans through whose land our troops were marching would once more come into peaceful relations with the Government, and that it was not for the interest of the North that they should be impoverished. One cannot wonder that this ravaging army left many bitter memories behind it which took long years to obliterate. They were not

<sup>1</sup> "The strictness of his orders in regard to pillage during his invasions of the North is well known; but they were not only strict in form, but were carried out in fact, as is proved by the testimony of his enemies, to the lasting glory of both army and commander. Violation of these orders provoked Lee's wrath more than anything except brutality, and when he himself detected one soldier in theft, he ordered him shot at once."—"Lee and his Army," p. 85, *Atlantic Monthly*, July, 1911.

effaced until most of the sufferers had died. Sherman said that "war was hell." As conducted by him, it was.<sup>1</sup>

Meanwhile it became obvious to most of the Southern leaders that their cause was hopeless, and President Davis was urged to endeavor to obtain some terms for the Southern people. He appointed commissioners to confer with President Lincoln. The President went to Hampton Roads and there, February 3, 1865, conferred with the Confederate commissioners, of whom Mr. Justice Campbell (who had resigned from the United States Supreme Court at the beginning of the war) was one. Lincoln again offered to the South that if they would return into the Union and agree to the emancipation of the slaves, the North would compensate the owners for the loss. Davis never appeared to less advantage than when he refused this offer. Such rejection of liberal terms was perhaps never shown by the leader of a lost cause.

Meanwhile the Union Army was pressing more closely upon Petersburg and Richmond, and Sherman was driving the Confederate Army before him into North Carolina. A notable instance of courtesy between foes was told me by one of the Union officers.

In one of the towns, in North Carolina, the Confederate

<sup>1</sup> General J. H. Wilson (*Under the Old Flag*, p. 142) thus writes of the Western Army in 1862: "The columns, encumbered by heavy trains, gave plenty of time for straggling and plundering, both of which were new and discouraging to me, but which, so far as I could see, seemed to have already become the habit with western troops. Not much effort was made to stop either, and consequently I was frequently called upon by women and children for protection, which, as far as I could, I freely gave." (See also p. 213.) This was written in 1862 when General Wilson was Captain of Engineers on General Grant's staff. He had before served in the Army of the Potomac.

commander sent back a flag of truce offering a peaceful evacuation of the town if the Union troops would send forward a guard to protect the peaceful inhabitants. The offer was accepted, the guard was placed and the people of that town at least were secure in their persons and their property.

On the second of April, 1865, the Confederates evacuated Petersburg. News reached Richmond at once. It was brought to Jefferson Davis as he sat in his pew in St. Paul's Church, Richmond, which has since become the Westminster Abbey of the Confederacy. He read the telegram, rose immediately, went out of the church and prepared for the evacuation of the city. All the men in the church followed him; not one was left but the clergyman, who finished the service. Mrs. Burton Harrison tells us that he gave out the hymn beginning with the line, "When gathering clouds around I view," and that the whole congregation, as they strove to sing, burst into sobs. They knew without being told that the end of the Confederacy had come.

The Union troops entered the city on the third of April, and Grant and Sheridan pushed forward with vigor to cut off and capture Lee's army. No one has related this campaign better than General Morris Schaff in the *Atlantic Monthly*. He tells two stories of Lee's last campaign that are so touching, and throw such a light upon the strife of war, that I must repeat them here.

In one of the battles of the Wilderness an officer was found sitting on the turf leaning against the trunk of a tree, dead. Before he died he had reached out his hand

and clasped a bunch of violets, which were growing at his side. They were still held fast in his rigid fingers.

The other was of Wilson, a color-bearer of the Fourteenth Virginia Cavalry, who was mortally wounded at the last battle before Appomattox. He said to his friend, "It is hard to die just as the war is over." For he and all the rest knew well that the end of the war had come. Schaff thinks that this last desperate stand that Lee made, is to be commended, and that it was largely due to the apprehension that dishonorable terms would be imposed upon the defeated Confederates. To me it seems the one great mistake in Lee's military life.

One notable thing Schaff mentions that ought not to be forgotten. Many had left the Confederate ranks, and scattered over the hills, knowing that further efforts were vain; but none of the standard-bearers forsook their colors and the banners flew in every regiment, skeleton though it had become, in their last battle on Palm Sunday.

Then Lee surrendered at the Court House at Appomattox that very afternoon, April 9, 1865. The officers were allowed to retain their side arms, their baggage, and their horses. They were paroled not to take up arms against the United States, and not to be disturbed by the United States authorities. Before they separated, these hungry heroes received some good meals at the hands of their hospitable captors. If the settlement of the war had been left in the hands of the great soldiers on both sides, whose name and fame will ever be bright in history, we should have had a more satisfactory solution than that which actually came.

The news of Lee's surrender reached New York just before Good Friday, April 14th. There probably never was in that city such a joyful population on that great day, on which a large part of the Christian world commemorates the death of its Founder. That evening, Mr. Lincoln, worn with the four years of incessant labor and responsibility, and quite aware of the difficulties of the task that lay before him, went to Ford's Theater in Washington, and there he was killed by Wilkes Booth.

Speaking of the tidings of Mr. Lincoln's death, Miss Andrews says, in the book I have referred to:

"Some fools laughed and applauded, but wise people looked grave and held their peace. It is a terrible blow to the South."<sup>1</sup>

It is hard to express the grief and horror that pervaded the North, and to a large extent the civilized world. Mr. Lincoln had justified himself in the eyes of all mankind. The usual flowers and other signs of joy were removed from the churches on that sorrowful Easter, and many of them were hung with black.

Mr. Lincoln's body lay in state in the Capitol at Washington. It was taken through many of the Northern cities and finally interred at Springfield, Illinois, on the fourth of May. Everywhere it was received with demonstrations of honor and respect. It was placed on the platform in the center of the City Hall in New York, and from early morn till dark a succession of people, men, women, and children, streamed through the rotunda, to look upon the peaceful and resolute face of our great and

<sup>1</sup> *Journal of a Georgia Girl*, p. 172.

martyred President. (St. Gaudens has reproduced it in his statue at Lincoln Park, Chicago.) I was one of that multitude. I never saw at any other time such a universal demonstration of affection and sorrow for the loss of any public man.

On the eighteenth of April, 1865, Johnston surrendered to Sherman, and Sherman agreed to terms for that surrender, which provided for the acquiescence of the Southern States in the results of the war, and for the recognition by the Federal Government of the existing State governments of the South, and the reception into Congress of representatives from the South. This seemed to General Sherman to be the logical result of a war for the restoration of the Union. It may be that if Mr. Lincoln had lived these terms would substantially have been ratified. But his death left too deep a scar to make that possible.

Andrew Johnson had become President, and he and Secretary Stanton repudiated the terms which Sherman had offered his defeated foe, and manifested to Sherman censure, which the latter seriously resented. Indeed there was talk of arresting Sherman, but that was futile. Johnston's final surrender on the twenty-sixth of April was on the same terms as Grant had given Lee.

Sherman's army marched forward to Washington and encamped on the hills across the Potomac. It passed in review before its great chieftain and numerous officials of the Government. This review I witnessed. I had often seen the regiments forming part of the Army of the Potomac, which had been reviewed the day before, and

wanted to witness the triumph of the victorious Western Army which had marched from Atlanta to Washington. Their files extended all the way across Pennsylvania Avenue from curb to curb. There were seventy thousand men in line. They marched with the spring and elasticity of veterans. Their worn uniforms showed the hardships through which they had passed. Many of the regiments had mascots: a dog; a monkey; and one of the Wisconsin regiments had contrived to get hold of an eagle that they carried with them. United to the Army of the Potomac that had marched up Pennsylvania Avenue the day before, there was no army in the world that could have made head against them, and no generals of such proved skill as their two leaders, Grant and Sherman.

Sherman had not forgotten the snub that Stanton had administered to him, and as he stood on the platform in front of the Treasury Building and reviewed the host that he had commanded so long, he refused to recognize Stanton and ignored the presence of the Secretary of War.

Most of the regiments on both sides gradually returned to their homes and were swallowed up in the general ocean of business and manifold activities, and in the new West. Probably never had such vast armies disbanded so quietly and taken their place so easily in the fabric of civilized life. No greater evidence could be given of the stability of the Government of the United States and of the character of citizenship that it had fostered during the years since 1776.

Thus have I tried to tell the story of the war as it

appeared to a young New York lawyer. There are some characteristic features of the great struggle which I must in conclusion record.

At the beginning it became obvious that the army hospital service was inadequate for the exigencies of the bloody campaigns. There sprung up, almost by magic, in various places near the scenes of hostilities and particularly in Washington, temporary hospitals. Those in Washington were mostly frame sheds, erected between Pennsylvania Avenue and the Potomac, and thither the sick and wounded from the Peninsular Campaigns were mostly brought. From every Northern State came volunteer nurses. Nothing can adequately tell the story of the devotion of these noble women who assisted in the care of the sick and wounded.

It soon became obvious that the provision made by the Government for feeding and supplying the troops in the field was inadequate. An army had been created out of civilians. The regular army had been small in number, and its staff was insufficient for the business of the war. The regular army was largely increased, and did noble service. No division had more glory than Sykes' division of regular troops. But the battles of the war were mainly fought by volunteer regiments from the various States, named after the States from which they came; commanded as far as possible by West Point men. Without the West Point Military Academy and the training it gave, we never should have succeeded. To supply the armies with more food and clothing and hospital supplies than the Federal or State governments could furnish was the work

of two commissions: the United States Christian Commission and the United States Sanitary Commission. These were well organized. They raised large sums of money by voluntary subscription, and their officers and agents were with every division of the army and rendered great assistance to the cause.<sup>1</sup>

One of the most notable expressions of the general zeal for the support of these organizations was in sanitary fairs, held in Chicago, Cincinnati, Philadelphia and other cities. The largest was in the city of New York in 1864. It had its headquarters in the Academy of Music, but there were booths and temporary buildings in Union Square. Everything that could be imagined was on sale. Artists donated paintings. A valuable collection came from Düsseldorf, Germany.<sup>2</sup> Celebrated authors sent books with autographs. There was hardly a person who did not contribute something towards the success of that fair. Gifts came from all over Europe. The fair produced the sum (very great for those days) of one million three hundred thousand dollars. This was expended under the direction of the Sanitary Commission for the good of the soldiers.

These voluntary activities of the Northern people were occasioned in part by the greed and meanness of some army contractors, who failed to keep their contracts and supplied the soldiers with unfit provisions. The horses and mules fared no better. The war Democrats, of whom I was one,

<sup>1</sup> See, for example, Hosmer, *Color Guard*, pp. 173, 175, 178.

<sup>2</sup> An autographed list of these generous artists hangs on the walls of the Century Club, New York City.

made it part of their business to cry aloud against these cheating contractors, whom Napoleon would have shot. We were also ready to assail the obstinacy and arrogance of Secretary Stanton, and were sometimes called Copperheads for our pains. We did, however, in our appeals to Mr. Lincoln, but repeat Milton's adjuration to Lord Fairfax during the English Civil War:

O yet a nobler task awaits thy hand,  
(For what can war but endless war still breed?)  
Till truth and right from violence be freed,  
And public faith freed from the shameful brand  
Of public fraud. In vain doth Valour bleed  
While Avarice and Rapine share the land.

No one gave a more appreciative description of the condition of the United States after the war than Richard Cobden in a letter to Thomas Balch under date of February 17, 1865.

When the war ceases you will be like two line-of-battle ships after a desperate struggle: all hands will be required to clear the wreck, repair damages in hull and rigging, look after the wounded, and bring in the dead. There will be great suffering among all classes, before you return to a normal state of things. You have been in a saturnalia of greenbacks and Government expenditure, which may be likened to the pleasant excitement of alcohol. But peace will be the headache after the debauch, with the unpleasant tavern reckoning.<sup>1</sup>

Those who have lived through the present war in Europe can realize something of the conditions of the Civil War. The newspapers then were full, as they are now, of news from the front. Some of the contrivances for

<sup>1</sup> *International Courts of Arbitration*, Balch (4th ed.), p. 23.

slaughter that have since been invented were then unknown. We had no breech-loading cannon or rifles, but the effect of the bullets, the shot, and the shell was much the same. The description of the trenches at Port Hudson in Hosmer's *Color Guard* (p. 207) is not unlike the descriptions of those that extend from Alsace to the sea. As I read the tales that come from the front in Belgium and Verdun, I am reminded of the account of Port Hudson, as Hosmer saw it after the surrender:

From this point, we soon came to the memorable angle where our sap approached. Every step, the evidences of the past storm became more numerous. The trees had lost their tops, the shells had hollowed out huge holes in the ground, and even weeds and bushes showed where the fire had swept. We came fairly to the outer works; and here the appearance of things was as if a tornado had swept across, whose hail had had the power to penetrate everything; or rather as if the spot had received such a fiery storm as fell upon Sodom and Gomorrah. The few trees still standing were splintered into match-wood up their sides, or had lost their tops; and, in some cases, the solid balls had pierced them through and through, leaving them standing, tall and thick, with perforated trunks! The rough buildings near, which we had been able to see so plainly were shattered in every way; and hardly a square foot could be found upon their timbers not marked by a bullet. The surface of the earth was ploughed and seared; the sand-bags on the breastwork, that I had looked at so often from our cover, were pierced and powder-stained; and, in the old rifle-pits, bloody sacking told where there had been killed and wounded men.<sup>1</sup>

One great advance must be noted. Medical science has taught man how to cure wounds that formerly were fatal, and to prevent or heal disease that once was mortal. The

<sup>1</sup> *Color Guard*, p. 224.

percentage of deaths from wounds and sickness is in 1916 not half what it was in the Civil War.<sup>1</sup>

I must close this chapter with some endeavor to express the feeling of our people as I saw it at the end of the war. There was scarce a house in which there was not one dead. Exultation at our success was shadowed by grief for the past and apprehension for the future. As we looked back over the years that had passed since the first warnings of secession were given, we were reminded of the words with which Milton closes the *Paradise Lost*:

They looking back, all the Western face beheld,  
Of Paradise, so late their happy seat,  
With dreadful faces thronged and fiery arms.

We have passed through the era of Reconstruction. It is over fifty years since the close of the war. The Union is restored, and more prosperous than ever. But who in 1865 could foresee that it would be so? Who could look without doubt and apprehension upon the future? How the negroes would accept and use their newly acquired freedom it was impossible to foresee. The discipline of slavery was withdrawn. It was too much to expect that there should not be some excesses. It was natural that many of the freedmen should be unwilling to work and think that freedom meant comparative idleness.

Roswell D. Hitchcock expressed an optimism on the subject that many thought rash. I heard him cry in an address, "You ask me what shall be done with the blacks?

<sup>1</sup> During the Civil War, 280,420 Union soldiers died in the service. Of these over 60,000 died in battle, 35,000 of wounds received in battle, and 184,331 died of disease.

I answer, What shall be done with the redheaded men?" People that knew the South knew that this was not an adequate answer, but none could tell what the answer would be. To make it has required fifty years of evolution, and still we have the problem, not yet completely solved.

To solve it, wise men of both sections and of both races have given thought and prayers and money and personal service. Armstrong, Frissell, Booker Washington, Russell and many more have been wise and devoted leaders. The United States Government has not done all it might do. But it has done something. And some men who fought the South have striven to make reparation for the devastation of war. When J. J. Spalding, of Atlanta, went to Washington in 1894 to ask for an appropriation for the Atlanta Exposition, he interested Mr. Cogswell, of Massachusetts. While the latter was making a speech in support of the appropriation, a member from Tennessee asked him why. Cogswell replied: "I was in the Union Army, that under orders burned Atlanta. Now I wish to make some reparation." There was great applause and the appropriation went through with a rush.

Thirty years after the war I went on business to Columbia, South Carolina. There I saw an old Confederate officer superintending the work of convicts who were building a canal for the State around the rapids of the Congaree. The habit of command which he had acquired in the army stood him in good stead. The men appeared to be well treated, and were certainly better off than if they had been engaged in labor inside the prison.

On the same visit I saw the Confederate monument

which had been erected in the capital of South Carolina to the Confederate veterans. The inscription was written by Mr. Trescott, who had been in the diplomatic service of the Confederacy. A more perfect expression of honor and regret it would be hard to find. Let it, then, sum up this brief account of the great Civil War:

**INSCRIPTION ON CONFEDERATE MONUMENT AT COLUMBIA,  
SOUTH CAROLINA**

*On the Northern Face*

ERECTED BY THE WOMEN  
OF  
SOUTH CAROLINA

*On the Eastern Face*

LET THE STRANGER  
WHO MAY IN FUTURE  
READ THIS INSCRIPTION  
RECOGNIZE THAT THESE WERE MEN  
WHOM POWER COULD NOT CORRUPT  
WHOM DEATH COULD NOT TERRIFY  
WHOM DEFEAT COULD NOT DISHONOR  
AND LET THEIR VIRTUES PLEAD  
FOR JUST JUDGMENT  
OF THE CAUSE IN WHICH THEY PERISHED.

LET THE SOUTH CAROLINIAN  
OF ANOTHER GENERATION  
REMEMBER  
THAT THE STATE TAUGHT THEM  
HOW TO LIVE AND HOW TO DIE  
AND THAT FROM HER BROKEN FORTUNES

SHE HAS PRESERVED FOR HER CHILDREN  
THE PRICELESS TREASURE OF THEIR MEMORY  
TEACHING ALL WHO MAY CLAIM  
THE SAME BIRTHRIGHT  
THAT TRUTH COURAGE AND PATRIOTISM  
ENDURE FOREVER.

*On the Western Face*

THIS MONUMENT  
PERPETUATES THE MEMORY  
OF THOSE WHO  
TRUE TO THE INSTINCTS OF THEIR BIRTH  
FAITHFUL TO THE TEACHINGS OF THEIR FATHERS  
CONSTANT IN THEIR LOVE FOR THE STATE  
DIED IN THE PERFORMANCE OF THEIR DUTY;  
WHO  
HAVE GLORIFIED A FALLEN CAUSE  
BY THE SIMPLE MANHOOD OF THEIR LIVES  
THE PATIENT ENDURANCE OF SUFFERING  
AND THE HEROISM OF DEATH  
AND WHO  
IN THE DARK HOURS OF IMPRISONMENT  
IN THE HOPELESSNESS OF THE HOSPITAL  
IN THE SHORT SHARP AGONY OF THE FIELD  
FOUND SUPPORT AND CONSOLATION  
IN THE BELIEF  
THAT AT HOME THEY WOULD NOT BE FORGOTTEN

## CHAPTER IV

### THE PERIOD OF RECONSTRUCTION, 1865-1871

WHEN Andrew Johnson had taken the oath of office as President and retained all the members of Mr. Lincoln's Cabinet, we began to consider what was next to be done. The excitement of the war had not subsided. The anger and indignation that had been aroused by the assassination of Mr. Lincoln were hot. But the activities at the North that had been brought into existence by the necessity of raising, equipping and supplying numerous and powerful armies, stopped.

The tragical story of the march of the disbanded Southern regiments through Georgia on their way to Louisiana, Mississippi and Texas is told in the diary of Miss Andrews, to which reference has already been made. The South was impoverished; its system of labor was disorganized. The destruction that had been wrought during the war, particularly by Sherman's army in its march from Atlanta to Savannah, and thence through South Carolina, had left the Southern States in deplorable condition. Many of their bravest and strongest had been killed, many survivors of the war were disabled by wounds and by disease. It was essentially a case for such liberal treatment as the British showed the Boers after the con-

clusion of the South African War. It should have been the pleasure of the North to rebuild the colleges, school-houses, and churches that our troops had burned. It should have been the pleasure (as it was the duty) of the North to make payment for the provisions that had been taken for the use of the Union armies. This at least we might have done. Perhaps all this would have been done had it not been for the death of Mr. Lincoln. His great heart was always ready to meet the South half-way. The Northern people would have followed him in any measures for liberal treatment of the South, for they trusted and loved him. But his assassination not only deprived us of his leadership, but roused a feeling of anger and revenge in many a Northern breast, that prevented the Government from doing affirmatively anything to help the South in its struggle to get on its feet again.

Yet there were many Northern people whose hearts were open to our fellow-citizens in the South whom we had been fighting for the last four years, and who felt it to be a duty to go there and use their capital to reinstate the Southern industries.

My cousin, General William F. Bartlett, just graduated from Harvard, had gone into the army at the beginning of the war. He lost a leg in the service, but notwithstanding this disability, joined in the assault after the explosion at the crater at Petersburg, was again wounded there, and when he was carried off the field, his life was despaired of. However, he recovered, and set in operation iron-works at Richmond. Massachusetts hon-

ored herself, when she erected a statue to him in the State House on Beacon Hill.

Other Northerners went still farther south and bought plantations. These were to be had at prices less than half what they had commanded before the war. In many cases the purchasers found that the price continued to decline, and where they had bought on credit they often lost their entire investment. The era of Reconstruction with its corrupt administration and excessive taxation was most burdensome to the agricultural interest, which was then and still is, predominant in the South.

The first question that arose after the surrender of the armies of Lee and Johnston and the cessation of armed resistance to the laws of the United States, was whether the Southern States had by secession forfeited their rights under the Constitution, or whether, on the other hand, they should be considered as integral parts of the Union with rights unimpaired by the attempt of individuals to secede and form a new government. On this point the national parties divided. The Republican party, under the leadership of Stanton, Wade, Sumner and Thad Stevens, maintained that the Southern States had forfeited all their Constitutional rights, and were to be treated as conquered territory. In view of the frequent declarations which were made at the beginning of the war and at various periods throughout its course, that the object of the war was to restore the Union, this position was inconsistent. It was not long before the President, and the Secretary of State, Mr. Seward, took the ground that while individuals might be punished, the States, as

such, were in the Union still and entitled to representation in Congress. We did not know at the time, what has since been made clear by the publication of the diary of Gideon Welles, the Secretary of the Navy, that he supported Johnson and Seward in this contention.

This also was the contention of the Democratic party, and distinctly avowed in the platform adopted at its National Convention held in New York in 1868.

Meanwhile the Republican majority in Congress had undertaken to provide by constitutional amendment for the greater security of the results which had been achieved by the war. The first of these, the Thirteenth Article, was adopted almost unanimously. It provides: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." This was proclaimed December 18, 1865.

The Fourteenth Amendment gave rise to more debate. The object of its first clause was to prevent the Southern States from depriving enfranchised negroes of life, liberty, or property, and from denying to them the equal protection of the laws. The second clause in effect repealed the third clause of the second section of Article I. of the Constitution, which gave to the slave States representation in Congress by adding to the whole number of free persons "three-fifths of all other persons." By the second clause of the Fourteenth Article, representatives were to be apportioned among the Southern States

according to the respective population, counting the whole number of persons in each State:

but when the right to vote at any election . . . is denied to any of the male members of such State, being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

The reason for the adoption of this clause was the disposition which had been shown by some of the newly formed Southern legislatures to abridge the right of suffrage or deny it altogether to the negroes. The ten Southern States which had seceded and also Delaware, Kentucky and Maryland, rejected this amendment. But subsequently Congress made it plain that unless it should be ratified by the legislatures of the seceded States, they would be deprived of any representation in Congress, and they finally ratified it and the amendment was proclaimed, July 28, 1868. The third clause was most unfortunate. It prevented persons who had served in the Confederate Army and who had previously taken an oath "to support the Constitution of the United States," "from holding any office, civil or military, under the United States or under any State." The effect of this was to deprive the Southern States in their new government of the services of the men who were best qualified to fill the various offices. It was provided that Congress might by a vote of two-thirds of each House remove such

disability. In time there came an era of better feeling, and disabilities were removed, but for years this restriction was oppressive.

In all the Southern States except Texas, legislatures had been organized during 1865 in pursuance of President Johnson's proclamations. These showed their distrust of the freedmen by limiting in many ways their right to contract, to inherit and to bring suits in courts of justice. It was partly in consequence of this legislation that Congress, in December, refused to admit the seceded States to representation. In order to overrule this legislation, Congress in March, 1866, passed the Civil Rights bill, which declared that all persons born within the United States and subject to its jurisdiction were citizens and should have the same right to sue, inherit, hold property, contract and be protected in person and property "as is enjoyed by white citizens." This the President vetoed, and on the ninth of April, 1866, Congress passed the bill over his veto. Here Congress was right. But in its next step in the controversy with the President, Congress was wrong.

The bitterness which was felt in the Republican party at what its leaders considered the defection of Johnson, led, on the second of March, 1867, to the passage over his veto of the Tenure of Office Act, which attempted to deprive him of his power to remove Cabinet officials without the advice and consent of the Senate. This was particularly intended to secure Mr. Stanton, the Secretary of War, in his office, and as far as possible, to deprive the President of his power as Commander-in-Chief of the army.

Johnson took the ground that this Tenure of Office Act was unconstitutional, and on the twenty-first of February, 1868, signed a document removing Edwin M. Stanton and appointing Lorenzo Thomas, of Delaware, as Secretary of War *ad interim*. Stanton refused to observe the order of removal, and treated it as a nullity. For this violation of the Tenure of Office Act and other alleged offenses, the House of Representatives, only three days after the attempted removal of Stanton, voted to impeach Mr. Johnson. This impeachment came on to be tried before the Senate of the United States on the fifth of March, 1868, and continued on trial until the twenty-sixth of May. Chief Justice Chase presided. The House of Representatives sent as managers of the impeachment Benjamin F. Butler and George S. Boutwell of Massachusetts, Thaddeus Stevens of Pennsylvania, and other active Republican members of the House. Mr. Johnson was defended by Benjamin R. Curtis, of Massachusetts, William M. Evarts of New York, William S. Groesbeck of Ohio, and the President's old friend, Thomas A. R. Nelson, of Tennessee.

The Chief Justice was six feet three inches in height with fine features and a commanding presence, and he presided with great dignity. Whatever we may think of the partisanship of the prosecutors, or the acrimony with which they presented their case, the conduct of the Court befitted the importance of the trial. Perhaps not since the trial of Warren Hastings had there been so momentous an impeachment.

General Grant, who was the General of the army at that

time, was one of the witnesses and was cross examined by Mr. Evarts in a way that was justified by the case, but which gave offense to the General. When Grant afterwards became President, it was understood (perhaps unjustly) that the recollection of this cross-examination was the principal reason that prevented him from appointing Mr. Evarts as Chief Justice of the United States to fill the vacancy caused by the death of Chief Justice Chase. One of Evarts' keenest epigrams was uttered on that occasion and got into the newspapers of the day. A reporter went to him and asked him his opinion of the nomination that was actually made. He replied, "If the prizes of the profession are to be given to second-rate men, one hardly knows how to strive for them."

Judge Curtis had been a justice of the Supreme Court of the United States and had rendered an able dissenting opinion in the Dred Scott case. He was compelled to retire by the parsimony of the Government which refused the justices a suitable salary. It was he who opened the case for the President. In power of statement, Curtis had no superior. His statement of a case was more convincing than any other lawyer's argument.

Certainly this was true of his opening for the defense. Nelson's argument for the President was full of personal friendship. Evarts' summing up was that of a great Constitutional lawyer. He pointed out in the clearest terms and with masterly argument that Mr. Johnson's refusal to obey the Tenure of Office Act was not a high crime or misdemeanor; that it was an act in good faith designed solely to test the validity of that act, and that

had the managers of the impeachment been so minded, they could have tested its validity by proceeding in the ordinary courts of justice. He argued also that the Act itself was plainly unconstitutional; that the Constitution, while it limited the power of appointment, placed no limit upon the power of removal, and that Congress had no power to limit by statute the Constitutional prerogatives of the President.

By this time the Democratic party had espoused the cause of Mr. Johnson, and it was to be expected that all the Democrats in the Senate would vote for his acquittal. The leaders of the Republican party had attacked him with the utmost acrimony, and it was to be expected that the majority of the Republican Senators would vote for his conviction. The effect of conviction would have been to make Benjamin F. Wade, of Ohio, President in Johnson's place. He was then the acting Vice-President of the United States not by election of the people, but by the vote of the Senate. Mr. Evarts referred to this in the early part of his argument.<sup>1</sup>

If you shall acquit the President of the United States from this accusation all things will be as they were before. The House of Representatives will retire to discharge their usual duties in legislation, and you will remain to act with them in those duties and to divide with the President of the United States the other associated duties of an executive character which the Constitution attributes to you. The President of the United States, too, dismissed from your presence uncondemned, will occupy through the constitutional term his place of authority, and however ill the course of politics may

<sup>1</sup> *Impeachment Proceedings*, vol. ii., pp. 270-271.

go, or however well, the Government and its Constitution will have received no shock. But if the President shall be condemned, and if by authority under the Constitution necessarily to be exerted upon such condemnation, he shall be removed from office, there will be no President of the United States; for that name and title is accorded by the Constitution to no man who has not received the suffrages of the people for the primary or the alternative elevation to that place. A new thing will have occurred to us; the duties of the office will have been annexed to some other office, will be discharged *virtute officii* and by the tenure which belongs to the first office. Under the legislation of the country early adopted, and a great puzzle to the Congress, that designation belongs to this Senate itself to determine, by an officer of its own naming, the right under the legislation of 1792 to add to his office conferred by the Senate the performance of the duties of President of the United States, the two offices running along together. Whatever there may be of novelty, whatever of disturbance, in the course of public affairs thus to arise from a novel situation, is involved in the termination of this cause; and therefore there is directly proposed to you, as a necessary result from one determination of this cause, this novelty in our Constitution; a great nation whose whole frame of government, whose whole scheme and theory of politics rest upon the suffrage of the people, will be without a President, and the office sequestered will be discharged by a member of the body whose judgment has sequestered it.

There were seven Republican Senators who rose above the ties of party and voted in accordance with their conscientious conviction as judges and not as partisans. One of these was William Pitt Fessenden, of Maine, who had been Secretary of the Treasury in Mr. Lincoln's Cabinet and who was one of the ablest lawyers and most courageous men that New England ever sent to the Senate. His clean-cut Roman profile is shown in his likeness

on the early Treasury notes, and was indicative of his character. When we consider who were members of the Senate when he was in that body, it might be justly said of him:

"This was the noblest Roman of them all."

He voted to acquit. So did Senators Henderson of Missouri, Trumbull, of Illinois and Grimes of Iowa. They had been loyal Republicans from the first, but could not go with their party in this attempt to remove by impeachment the President with whom they did not agree. They were prominent men. They had the support of a large body of friends. Their conduct was bitterly assailed by the partisan majority in the Senate, yet they had the support of many in their own States. Another Republican Senator who refused to vote with his party, Edmund G. Ross of Kansas, is possibly entitled to even more credit than they. He was not a man of marked ability, but he had what in times of storm and stress is worth perhaps more than great intellectual power, absolute devotion to duty. He was convinced by the arguments of the counsel for the defense that Andrew Johnson had not been guilty of any high crime or misdemeanor and accordingly he voted to acquit. His vote turned the scale. There were thirty-five Senators (May 16, 1868) who answered "Guilty." Nineteen answered "Not Guilty." A two-thirds vote was necessary to convict. Had Ross voted the other way the necessary two-thirds majority would have been obtained. With his vote to acquit, it failed and the court of impeachment ten days later adjourned *sine die*. Ross' vote was received with a storm of

vituperation not equaled afterwards in American politics until 1912. He was denounced as a traitor and renegade. The sentiment of his State was against him unanimously. Kansas was the child of strife. From the time of its admission to the Union up to that of the impeachment of Andrew Johnson, adherence to the Republican organization had been in that State the one condition upon which any man could receive consideration. Accordingly Senator Ross was ostracized. He found it exceedingly difficult after his retirement from the Senate to earn a living and finally died, if not in poverty, yet in very humble circumstances, deprived of the honor which was justly due to a man who had been loyal to his convictions when subjected to strong temptation. Such was the reward which an American Commonwealth paid to a man who deserved to be honored as Cato was by the Romans. No act of any American statesman cost the man that did it more, and was more absolutely the result of conscientious conviction than Senator Ross' vote on the impeachment of Andrew Johnson.

It was in the course of the trial that Mr. Boutwell in a flight of turgid rhetoric declared that there was a place in the sky in which no star had ever been discerned by the most powerful telescope, and that this abode of blackness was the only place to which Andrew Johnson could fitly be consigned. One of the cleverest passages in all the oratory of the trial was Mr. Evarts' reply<sup>1</sup>:

I may, as conveniently at this point of the argument as at any other, pay some attention to the astronomical punishment

<sup>1</sup> *Impeachment Proceedings*, vol. ii., pp. 297-298.

which the learned and honorable manager, Mr. Boutwell, thinks should be applied to this novel case of impeachment of the President. Cicero I think it is who says that a lawyer should know everything, for sooner or later there is no fact in history, in science, or of human knowledge that will not come into play in his arguments. Painfully sensible of my ignorance, being devoted to a profession "which sharpens and does not enlarge the mind," I yet can admire without envy the superior knowledge evinced by the honorable manager. Indeed, upon my soul, I believe he is aware of an astronomical fact which many professors of that science are wholly ignorant of. But nevertheless, while some of his honorable colleagues were paying attention to an unoccupied and unappropriated island on the surface of the seas, Mr. Manager Boutwell, more ambitious, had discovered an untenanted and unappropriated region in the skies, reserved, he would have us think, in the final councils of the Almighty, as the place of punishment for convicted and deposed American Presidents.

At first I thought that his mind had become so "enlarged" that it was not "sharp" enough to discover the Constitution had limited the punishment; but on reflection I saw that he was as legal and logical as he was ambitious and astronomical, for the Constitution has said "removal from office," and has put no limit to the distance of the removal, so that it may be, without shedding a drop of his blood, or taking a penny of his property, or confining his limbs, instant removal from office and transportation to the skies. Truly this is a great undertaking; and if the learned manager can only get over the obstacles of the laws of nature, the Constitution will not stand in his way. He can contrive no method but that of a convulsion of the earth that shall project the deposed President to this infinitely distant space; but a shock of nature of so vast an energy and for so great a result on him might unsettle even the footing of the firm members of Congress. We certainly need not resort to so perilous a method as that. How shall we accomplish it? Why, in the first place, nobody knows where that space is but the learned manager himself, and he is the necessary deputy to execute the judgment of the court.

Let it then be provided that in case of your sentence of deposition and removal from office, the honorable and astronomical manager shall take into his own hands the execution of the sentence. With the President made fast to his broad and strong shoulders, and, having already essayed the flight by imagination, better prepared than anybody else to execute it in form, taking the advantage of ladders as far as ladders will go to the top of this great Capitol, and spurning then with his foot the crest of Liberty, let him set out upon his flight, while the two Houses of Congress and all the people of the United States shall shout, "*Sic itur ad astra.*"

But here a distressing doubt strikes me; how will the manager get back? He will have got far beyond the reach of gravitation to restore him, and so ambitious a wing as his could never stoop to a downward flight. Indeed, as he passes through the constellations, that famous question of Carlyle, by which he derides the littleness of human affairs upon the scale of the measure of the heavens, "What thinks Boötes as he drives his dogs up the zenith in their race of sidereal fire?" will force itself on his notice. What, indeed, would Boötes think of this new constellation?

Besides reaching this space, beyond the power of Congress even, "to send for persons and papers," how shall he return, and how decide in the contest, there become personal and perpetual, the struggle of strength between him and the President? In this new revolution, thus established forever, who shall decide which is the sun and which is the moon? Who determine the only scientific test which reflects the hardest upon the other?

Fortunately for the country this attempt to remove by impeachment a President opposed to the majority in Congress failed. But the Presidential policy of Andrew Johnson had not met with the support of the people of the North. This was partly owing to his infirmities of temper and inadequate equipment for the great office which he had

filled so unexpectedly. It must in justice be said that he had one scruple which most of his successors have not felt. He uniformly, though a poor man, refused any present offered him during his Presidency.

Neither party proposed Mr. Johnson for reelection. The Democrats nominated Horatio Seymour; the Republicans, General Grant. The election of General Grant was a foregone conclusion from the first. He was inaugurated March 4, 1869. He did not in civil life develop the great qualities of administration and did not exhibit the skill in selecting subordinates, which he had shown as Commander-in-Chief. His noble quality of fidelity to his friends became a snare, for he stood by them and shielded them even when they were detected in mal-administration.

The enforcement of the reconstruction laws by military power during his first term became obnoxious to the people of the North. Scandals in some of the Southern legislatures brought disgrace upon the reconstruction system which in States like South Carolina and Alabama, where the blacks were in the majority, had put the power in their hands. Mr. Godkin, the celebrated editor of the *Nation* and the *Evening Post*, told me this story of the way in which business was done at the capital of South Carolina. He went to Columbia during the era of Reconstruction to represent one of the New York City papers. The majority of the Legislature were negroes. There were many applications by Northern men, who came to be known as carpet-baggers, for franchises for railroads and other enterprises of quasi-public character. When a bill for such a purpose was introduced it would go to a

committee. It was customary for the promoter of the enterprise to interview the leader of the colored majority, who was himself a colored man, and pretended to be much interested in the colored churches. He would hear the story of the promoter patiently and would reply:

I see the merit of your enterprise and shall be glad to use my influence in the Legislature in its support, but unfortunately, I have promised to go to a colored church in Beaufort County (it might be any other), to help them lift their mortgage. The holder is pressing for payment and it is necessary that the money should be raised.

The promoter would then reply "Your services in Columbia are more important to the State than anything you could do for that church. Pray tell me how much is that mortgage." The amount of the mortgage always varied according to the value of the franchise, upon a certain loose scale that the leader had established in his own mind. Whatever it was, the promoter paid it and the bill went through.

This is a sample of the misgovernment of the colored legislatures during the reconstruction period. The Southerners who had survived the war, and been impoverished by it, smarted under the burden of wasteful and excessive taxation.<sup>1</sup>

Whatever we may think theoretically of the equality of the negro in the eye of the law, the racial spirit of the Anglo-Saxon was too strong to tolerate long the elevation

<sup>1</sup> A detailed account of the fraudulent bonds imposed on the people of North Carolina is given in the speech of John M. Faison of that State.—*Congressional Record*, Aug. 24, 1912, pp. 12, 975.

of the negro into authority and control over the conquered whites. This had been the result of the adoption of the Fifteenth Amendment, which was proclaimed as part of the Constitution, March 30, 1870.

1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce the provisions of this article by appropriate legislation.

This amendment was rejected by California, Delaware, Kentucky, Maryland, New Jersey, and Oregon. It was ratified by the remaining thirty states. A change of politics in New York gave that state a Democratic Legislature and its ratification was rescinded January 5, 1870. Nevertheless, President Grant issued his proclamation declaring the amendment adopted. This was on the thirtieth of March, 1870, and from that time until 1877, most of the states which had seceded, and notably South Carolina, Alabama, Louisiana and Mississippi, were practically governed by the negroes and by the carpet-baggers.

The Thirteenth and Fourteenth Amendments were the logical results of the war. The first prohibited slavery. The second reduced the ratio of representation whenever the negroes were denied the right of suffrage.

This was a reasonable requirement. Blacks not allowed to vote should not entitle their white neighbors to increased representation. Had we stopped there the Southern States would gradually have admitted the blacks

to suffrage. But Thaddeus Stevens, Butler, and other unprincipled partisans wanted Southern electoral votes for the Republican party. They pushed through the Fifteenth Amendment and for a time enforced it by Federal troops. This military Government was opposed to the traditions of the American people and its fall sooner or later was inevitable. That fall came in 1876, as will be told hereafter.

Before the legal changes which followed the election of 1876 the Southern people had made in many localities organized attempts to intimidate the blacks and keep them from voting. This was done by means of societies called the Ku Klux Klan. They were an unfortunate result of the misgovernment under which the whites were suffering. Thomas Nelson Page in *Red Rock* gives the Southern side of the story; Judge Tourgee, in his *Fool's Errand*, the Northern side. I had an aunt, whose husband, Rev. J. de Forest Richards, was a professor in the University of Alabama. He had been an abolitionist, was an ardent advocate of negro suffrage, and went South after the war. He was naturally unpopular among his white neighbors. In the days of the Ku Klux Klan, it was only by the dauntless courage of himself, his wife, his sons and his daughter, all bearing arms and keeping their house in a state of defense, that they escaped personal violence. The outhouses adjoining their house were fired. But they protected the roof of the main building with wet blankets and organized the negroes into a bucket brigade. On another occasion an enemy shaved the mane and tail of my aunt's saddle-horse. But, pistols in holster,

she rode into town and made her purchases the next day, an hour earlier than usual.

Captain Dawson, who was the editor of the *Charleston Daily News*, and was a power for good in the South, until he was cut off by a cowardly assassin, urged the people to endeavor to correct the evils of the Government from which they suffered, by laws regulating the suffrage. He said to his fellow citizens that if they began by cheating the blacks, they would end by cheating each other. Alas, his advice was not followed. The invention of the tissue-paper ballot, which enabled a man to fold up a dozen ballots and insert them in the box as one, afterwards to be counted by a friendly inspector, provided the people of the South what was considered a necessary weapon. It was a dangerous one. The days were evil. Both sides were wrong. The situation was impossible of continuance.

During the turmoil that has been described, and despite the general disposition of the Republican majority to keep the Southern States in subjection, there was still some attempt to make reimbursement for Southern losses. An Act of Congress created a court called the Southern Claims Commission to hear Southern claimants, and to pass upon the validity of their claims. But no provision was made to enable the claimant to obtain testimony by subpoena. If a claimant could induce witnesses to attend, the Court examined them under oath, and heard what they had to say, but reluctant witnesses were not obliged to come. I had a curious experience in this line, which throws light upon the conditions of the time. The case was not peculiar.

At the beginning of the war my client, Mrs. Whitney, lived in Mississippi. Her husband had been a graduate of West Point. He was an invalid and unfit for military service. He lived on his plantation for about fifteen months after the firing upon Fort Sumter and then died. His widow remained in possession, and carried on the plantation. The husband had always maintained his loyalty to the Union, although neither he nor his wife had any opportunity of showing it until the Vicksburg campaign in the summer of 1863. Then Sherman, at the head of his corps, marched into that part of Mississippi where the Whitney plantation was situated. The widow met him on the steps and under the great columns in front of her house received him and his officers hospitably. There were stores of corn in the cribs, and of ham and pork in the smoke-house and store-house. All this the army needed and the army took. There was cotton on hand, which also was seized and sent North. She remained on the plantation, retained her friendly relations with the Federal troops, and when the war was over came to Washington and presented her claim to the Southern Claims Commission for reimbursement for the cotton, the corn and the pork, which the troops had taken, and used.

Under the law, only claimants who had remained loyal to the government during the war were entitled to compensation. This was the essential point to establish. When I was retained in the case I made inquiry in regard to the constitution of the Court. I found that Judge Ferris of New York, who was one of its members had been an ardent Republican, before and during the war,

and that it was generally conceded that no Southern white would receive any consideration at his hands. I found, on the other hand, that there was a member of the Court from Kentucky, who was considered favorable to the Southern whites. The third member of the Court was Judge Aldis, of Vermont. He had been Justice of the Supreme Court of that State and was a good lawyer. I knew him and his family personally. I had hopes that I might convince him that my client had been a loyal woman.

I went to General Sherman, who was then Commander-in-Chief of the army. He remembered the occurrence and the cordiality with which he had been received when he approached Mrs. Whitney's plantation, and said that he was willing to testify before the Commission, but that as an officer of the United States Government, he did not think he ought to attend unless he received some formal requirement so to do. Then I bethought me of the practice which prevails in New York of issuing a summons to witnesses to attend before a referee. This summons is signed by the attorneys in the case and has a certain legal value. So I prepared such a summons, which I subscribed as attorney for the claimant, and delivered it to General Sherman. He thereupon attended (March, 1879), and told the story as I have told it. He said that Mrs. Whitney had been of great service to the army when he was passing through that part of Mississippi, and that she had impressed him as a loyal woman.

General Slocum was placed by Sherman in command of the Department of the Mississippi, when Sherman started

on his march from Atlanta to the sea. I called on General Slocum. He remembered Mrs. Whitney well, and went to Washington and appeared before the Commission. He testified that Mrs. Whitney had continued to be of service while he was in command of the department, and that on one occasion she had sent him word of a threatened night attack which had enabled him to be on his guard and to repulse the Confederate assault. It did seem to me that with this testimony from the Commander-in-Chief and from a Major-General, both of whom had served with distinction during the war, my case was secure. But the Government sent a commissioner to the South. He summoned before him numerous witnesses. He was of course able to show that before Northern armies arrived in that part of the country Mr. and Mrs. Whitney had not rendered any service to the Union cause. They had not taken up arms, for that would have been impossible, even had they been so minded. The greatest crime that this commissioner was able to establish against Mrs. Whitney was that she had actually made some under-clothing for the Confederate sick in hospital.

Such was the testimony that was brought back from the South. I had become much interested in the case of this unfortunate widow, and my sympathies were enlisted in her behalf. I spared no pains to convince the Court that the testimony of her loyalty was overwhelming. I used historic illustrations of men who were loyal to a cause, but had been prevented from expressing their loyalty openly by overwhelming force, and had remained silent without impeachment. One particular case

was that of a monk, a century before Luther, who had become possessed of a copy of the Gospels, had studied them, had become convinced, substantially as Luther was, of the evangelical doctrine, and had left hidden in his cell his testimony as to his belief in its truth. But all my illustrations and arguments were ineffective to convince Judge Aldis. My client had one vote in the Court, but the other two were against her. Nothing showed more clearly the bitterness prevailing at that time than the fact that an educated lawyer, who had attained high rank in his profession and a seat on the bench, should have been so carried away by partisan feeling as to disregard the testimony of the General of the Army and of General Slocum, and suffer it to be outweighed in his mind by the gossip and tattle of a few plantation negroes, and the heinous accusation of caring for the enemy's sick and wounded in hospital. He could not see at all the intrinsic justice of the claim. It was undisputed that the troops had taken Mrs. Whitney's property, and that this property was of great service to them in time of need. It was the plain dictate of justice that she should be paid. But the great Government of the United States never paid her a penny for all these supplies that she had furnished, and she died in poverty. Her case with many variations, was that of many thousand men and women in the South.<sup>1</sup>

The bitterness of the North which influenced the reconstruction measures and which was partly due to the assassination of Lincoln, produced a corresponding

<sup>1</sup> A similar case is described by Gen. J. H. Wilson (*Under the Old Flag*, p. 213) that of Mrs. Latham.

feeling at the South. The Southern people were much more ready in June, 1865, to accept in a friendly spirit the results of the war than they were in the following year. This is shown clearly by Howell Cobb's remarkable letter which was obtained by General Wilson, copious extracts from which are printed in his book, *Under the Old Flag*.<sup>1</sup> The Republicans ought to have seen that it was for the interest of the North to bring about as soon as possible a prosperous South, and to aid the Southern people to get on their feet again. This is what the British did to the Boers after the Boer war. The British Government advanced money to planters whose property had been destroyed during that war. These loans enabled them to purchase stock and to begin at once to raise crops.

As I write (1916), it is satisfactory to note that the bitterness on both sides has passed away. The celebration at Manassas, Virginia, of the fiftieth anniversary of the first battle of Bull Run (July 21, 1911), and at Gettysburg of the fiftieth anniversary of that battle (July 3, 1913), show this clearly. Veterans of both armies fraternized and pledged eternal friendship.

Another error that was made in the process of reconstruction was in the method of educating the negroes. The first thought in the mind of the teachers from the North was of a training purely scholastic. The idea of manual training had not then occurred to most educators. The first schools that were established for the freedmen made little attempt at this. The great work of Hampton, Tuskegee, St. Paul's, and similar institutions, which have

<sup>1</sup> Vol. ii., pp. 359-363.

done so much for the prosperity and unity of the South, had not been begun. It is to the immortal honor of Gen. Samuel C. Armstrong that he should have seen the necessity of such training as early as 1868 and have established the school at Hampton where colored men and women should be taught, not only reading and writing, but the mechanic arts which were adapted to their situation, and which would enable them to earn a living and become useful in their neighborhood. Farmers, skilled mechanics, good housewives, have all been graduated from Hampton.<sup>1</sup> It was a graduate of Hampton, Booker T. Washington, who founded Tuskegee, and another, Rev. James S. Russell, who founded St. Paul's, Virginia. Already the example of these institutions has been followed in many cases. But unfortunately during the ten years after the end of the war, there was little such teaching in the South. In the old plantations the slaves had received instruction from their masters and mistresses. This of course had ceased entirely. It is not surprising that many of the blacks made bad use of their newly acquired freedom and that racial differences should have thereby been greatly aggravated. It is a story of which this country has no reason to be proud.

The chapter would be incomplete without some reference to the conditions of business at the North during the period of reconstruction. An era of speculation set in. We had not yet restored specie payments and the currency was one of the subjects of speculation. The price of gold

<sup>1</sup> In 1911 it had on its rolls 1399 students. There are 1612 graduates and over 6,000 ex-students.

went up and down, partly according to the judgment of financiers as to the date of the resumption of specie payments, partly as their confidence varied in the purpose of the American people to make good the obligations that had been incurred during the war, and partly at the beck of speculators, who rigged the market and caused it to go up or down as they happened to be on the bull or bear side. A party sprang up who were called Greenbackers. They declared that the legal-tender currency, which was called the greenback from the color of the back of the notes, had been good enough to carry us through the war, and that it was good enough currency for us to retain. "The blood-stained greenback" was a favorite phrase of theirs.

The Supreme Court, after several arguments, reversed its first decision and held that the Act of Congress, which made the notes of the Government payable on demand a legal tender, was valid not only as to obligations contracted after the passage of the act, but in discharge of obligations contracted before.<sup>1</sup> Many of the Government bonds that had been issued during the war, were redeemable at the end of five years from the date of issue. The interest on these bonds had uniformly been paid in gold. But when the five years expired the Greenbackers insisted that they should be paid in paper currency, and that the government should make issue of legal-tender notes sufficient for this purpose.

While speculation was rife on the stock market, capital was demanded for the building of railroads to meet the requirements of a population rapidly moving westward.

<sup>1</sup> Hepburn v. Griswold; 8 Wall., 603, Knox v. Lee, 12 Wall., 457.

It had been seen during the war that a railroad from the Atlantic to the Pacific was necessary to the stability of the Union, and provision had been made for the construction of the Union Pacific Railroad westward across the plains and of the Central Pacific Railroad, connecting with this at Ogden and extending across the Rocky Mountains and the Sierra Nevada to San Francisco. The Northern Pacific road was now planned to extend from the head of Lake Superior to the Pacific Coast. Jay Cooke and Company, who had financed many of the Government loans during the war, undertook to finance the construction of this railroad. A liberal land grant was made by Congress to aid in its construction, first mortgage bonds were placed upon the market, and the work was pushed with vigor. But in 1873 it became apparent that the capital of the country and such as could be obtained from Europe, would not then be forthcoming to complete this road. Jay Cooke and Company failed. Their failure led to a financial panic. This did not cause a suspension of specie payments as that of 1857 had done, because in 1873 no debts were paid in specie, either by the United States or by any individual bankers, except only in those cases where the contract had stipulated expressly for that method of payment. But banks stopped payment in legal tenders, and there were many failures. This panic of 1873 produced widespread distress. The prices of agricultural products had been maintained in many cases since the war, though the resumption of cotton planting and the exportation of that staple had reduced its price from a dollar a pound, which it had commanded

during the war, to seven and eight cents a pound. But the Northern products, wheat, oats, corn, hay and the rest, commanded very nearly, though not quite, the war prices. There was a gradual shrinkage, but it was slow until 1873.

In New York City and in many other centers the rage for speculation in real estate had become widespread. Men bought to sell again, then mortgaged what they had and with the proceeds bought other property on a margin. Lots on Central Park and on Riverside Drive in New York City were run up to what, compared with the prices before the war, seemed fabulous. Out of this market, in 1873, the bottom dropped. There followed a harvest of foreclosure suits, and most of the speculators in real estate went into bankruptcy.

My own personal experience had shown me something of all this. I married in 1866. In 1868 there was offered to my father a country seat on the banks of the Hudson, connected with which were greenhouses, graperies and a farm in an excellent state of cultivation. When it came to taking title to this place my father was glad to have me take it, and I went there in 1868 to spend my summers. This farm yielded, at the prices which then ruled for butter, milk, oats and hay, \$2,400 a year. There were no southern market gardens and no fruit came to the North from the South in the early spring. The market for hot-house strawberries therefore, was good, I received two dollars a basket from Delmonico and could sell all I could raise.

The first indication of the coming shrinkage came from

the competition of the market gardens which were being established in the South. Strawberries began to come to the New York markets during March and April from South Carolina, North Carolina and Virginia. This competition gradually reduced the price which I was able to get for mine. If I could have had a duty of a dollar a basket on strawberries, this industry might have been maintained in the North. But the Constitution of the United States prohibited that, and I found I could not raise strawberries at a profit, and was obliged to discontinue my hothouses.

The panic of 1873 brought down the prices of all agricultural products. In some instances the market-price fell fifty per cent. This panic cut the income from real estate almost in two. It was through these varied experiences as a farmer and a real-estate owner that I came to realize the condition of a large portion of my fellow-citizens. There were many men like myself who had bought land at high prices, expecting to realize an income from it in various ways, either by renting or by cultivating it, who had given mortgages for a large part of the price, and who waked up in 1873 and 1874 to find that the property they had bought was not worth more than the mortgages, and that the income to be derived from it was not more than the interest; often less.

The consequent distress and the cry for relief from the Government by expanding the currency were an important factor in Northern politics during all the period which elapsed between the war and the resumption of specie payments. The South had not quite the same difficulties

to contend with, but everything that produced stagnation at the North was felt in the South, by that necessary sympathy which exists in a country the parts of which are mutually dependent.

## CHAPTER V

### NATIONAL POLITICS AFTER THE WAR, 1872-1876

THE wild speculation that has been described, and the extent to which some public men were involved in it, brought discredit upon the first administration of General Grant. His Secretary of War was impeached for mal-administration in office. He escaped conviction by resignation, which his old friend, the President, accepted.

All this brought the Republican party into discredit. At the same time, the Democratic party had not regained public confidence. It was generally believed in 1872 that the best way to present a ticket in opposition to the reëlection of General Grant was a nomination by the Liberal Republicans (as the insurgents styled themselves) endorsed by the Democrats. Carl Schurz was the most prominent leader of these Liberals. But he had an associate, Mr. Depew, who afterwards became a regular of the regulars and sat for twelve years in the Senate by their election. The Liberals summoned delegates from all the States and the Convention assembled at Cincinnati. The men who organized this movement, and who represented the strength of it, were for the nomination of Charles Francis Adams. He had served his country with great distinction as Minister at the British Court during

the Civil War. His historic name counted for something, his integrity was unquestioned and his ability recognized. For every reason he seemed to be certain of nomination.

But there were baser elements in the movement. It was not organized anywhere. It was impossible to determine by the ordinary tests of regularity, whether a delegation from a particular State did or did not really represent the insurgent element there.

And so when the Convention assembled at Cincinnati, many delegations represented nobody but themselves. They had come with the sinister purpose of nominating Horace Greeley. He was one of the most brilliant and successful editors of his time. He dominated and indeed created the *Tribune*, as Bennet did the *Herald* and Raymond the *Times*. But he had no training which qualified him for the Presidency, and his easy good-nature made him the dupe of clever knaves. The artful men who pushed his candidacy were confident of success, and believed that with Greeley in the Presidential chair, their sway would be complete. Accordingly, to the great disgust of the real insurgents, who had organized the movement, Horace Greeley was nominated by a majority of votes in the convention. The nomination was endorsed by the Democratic Convention, but it never had hearty Democratic support. Thousands of Democrats felt as I did when I was asked why I did not support Greeley. My answer was: "I have never agreed with him in any political principle. Why should I support him for the Presidency."

His high tariff views were particularly obnoxious to the majority of the Democrats, and made it impossible that

he should command the hearty support of the party. The men who nominated him had no principles themselves and made the mistake common among rascals of supposing that other people are equally unprincipled. The campaign against Greeley was most scurrilous. The regular Republicans were thoroughly alarmed. They employed the brilliant pencil of Thomas Nast to caricature Greeley. His personal oddities were a ready butt for the pencil of the skilful artist, and Greeley was held up to ridicule in a manner that drove him mad. He became insane before the election, and died before the votes were cast in the Electoral College. Grant carried the election by an overwhelming majority. I voted for Greeley at the last, as many other Democrats did, out of mere pity. We were ashamed that a man who had really rendered great services to the country, should have been caricatured and held up to ridicule as he had been.

Grant was reelected. His second term was no improvement upon his first. Many leading politicians of his party had acquired such an inveterate habit of making money at the public expense that it was perhaps impossible for him to shake them off. In any case, he did not, and the scandals of the national administration equalled those of the municipal administration of New York in the days of Tweed. The troops of the United States were used in Louisiana forcibly to install the Republican candidates and to organize the Legislature in the Republican interest. The majority of the Northern people became convinced that the army was being employed by the national Government to keep the Republican party in power

through the medium of State Governments in the South that did not represent the intelligence of their several States.

It is not surprising that the majority of the Northern people became disgusted with the Republican party. Accordingly the elections of November, 1874, resulted in a Democratic majority in the House of Representatives. The following is my comment in the *World*, upon the result of that election:

The real cause of the defeat of the Republican party in the recent elections was because it had no principles and had become a mere party of plunder. Other causes contributed, but this was the root of the whole matter. When it began its career it was thoroughly in earnest. Right or wrong it believed that the Southern people were cruel to the negroes and had determined to make slavery national, and it carried the North. The result was a war in which the South was conquered. As a natural consequence equal political rights were secured to the Negro race by constitutional amendments. This completed the work which the Republican party began, and it has never undertaken anything else but to keep itself in power. Nothing shows more clearly the strength which even the tradition of principle gives to any body of men than the fact that the Republican party has held together so long.

It had a great opportunity to give good government and prosperity to the Southern people; but it put the worst and most ignorant in office there; it stirred up distrust and suspicion in the breasts of the Southern negroes; it wilfully deceived the North as to the temper of the Southern whites. Its best men—the very founders of the party—would not consent to this and it threw them overboard; Seward, Sumner, Trumbull, Schurz, all were sacrificed; and the only reason for the whole shameful course was to secure the supremacy of the Republican party.

And the question for us now is whether we shall follow its example. No doubt there are many in the party who are paper-money men; and perhaps some high-tariff men; and if to secure their support we continue to tinker with the tariff and the currency we shall do just what the Republicans have done for nine years, and shall be like them ingloriously beaten. We shall have nothing to live for, and will inevitably die.

Parties exist, not for themselves, but for the whole country. That country is suffering from a disordered currency and a prostrate commerce—from men in office who seek only their own selfish interests and from a tariff that protects the few at the expense of the many. To give order and health to the currency by establishing it on a solid specie basis; to foster commerce and give freedom to trade by a tariff for revenue—not protection; to allow each part of the country to control its local affairs, and not misgovern it from the Attorney-General's office with soldiers instead of constables—in a word, Hard Money, Free Trade, Home Rule—these are principles worth fighting for, and if we use the power we acquire to enforce them, our own success and the prosperity of the country are assured.

Another important result of the election of 1874 was that Samuel J. Tilden was chosen Governor of the State of New York. The great work that he had done in reforming the city government of New York and in the impeachment and removal of corrupt judges who had brought chaos into our local courts, is told in a subsequent chapter. Few statesmen have shown the courage that Tilden did, when he entered upon this campaign, which seemed at first to be hopeless. During the canvass a shrewd politician who knew the State well said to me: "You never can elect Tilden. He has made too many enemies." But as General Bragg said of Cleveland in the Convention of ten years later, "We loved him for the enemies he had made."

Tilden was thin, swarthy, with hair straight as that of an Indian. He would have been rather insignificant in appearance were it not for his piercing eyes. Nothing could have been more delightful than his conversation. He stood in the front rank of his profession not as an advocate frequenting the courts, but as a wise counselor in matters of difficulty and importance. In the many embarrassing questions which came up in the reorganization of corporations after the war, his advice was considered most valuable.

When he became Governor he showed the same efficiency in the business of the State that he had in the municipal campaign. He reformed the whole Canal administration. It was by his advice that the old Board of Canal Commissioners was replaced by a single officer charged with important duties and held to a strict responsibility. In 1876, he was the candidate naturally selected by the Democracy for nomination to the office of President. The Republicans had not agreed on any of their old leaders and chose for candidate Mr. Hayes, the Governor of Ohio, a man of moderate ability, who was free from the taint of corruption.

The Democratic platform was written by Manton Marble, who was the editor of *The World*. At its foundation that newspaper was planned to be a journal of the highest character, both in point of literary eminence and moral standard. Its columns were free from those tales of atrocities which disfigure with glaring headlines so many newspapers. It was not then a great success financially, but it became a power in the literary and political

world. The platform Marble drew dealt with the tariff in one memorable sentence—"Tariff for revenue only." On this platform we went into the campaign.

This declaration did not express any general conviction in the party. Many of the men who formed the Republican party had been Democrats and were low tariff men. When the war was over, some of them tried to bring the party back to a low tariff policy. Mr. Garfield declared himself in favor of protection that would lead to free trade, and Senator Allison, of Iowa, was one of the best friends of tariff reform in the Senate. President Arthur and his Secretary of the Treasury, Charles J. Folger, both recommended to Congress the repeal of the duties on raw material. The Tariff Commission which was created in President Arthur's time made a thorough investigation of the subject and reported a bill which was, on the whole, an improvement upon the existing tariff.

On the other hand, the Southern Democrats at that time were opposed to the excise on whisky. In many parts of the South the manufacture of corn or rye into whisky was as common as that of wine in France and Germany. Many of the stills would not make more than ten gallons at a time. Whisky was the beverage of the people, and the regulations governing distilleries which had been devised during the war, and which were applicable to large manufacturers, were burdensome to the small distillers in the Southern mountains. If the excise on spirits had been repealed, it would have been necessary for revenue purposes to maintain a high tariff on imports. Under these circumstances the division between the parties

on the subject of the tariff might be expressed in platforms, but was not maintained in votes.

The contest, therefore, did not turn upon the tariff, but upon the administration of the National Government. One of the Republican cries was the danger to be apprehended from "The Solid South." On this subject I said in an editorial in *The World*: "A great deal is said about the 'Solid South.' It has become solid for honest and economical government. Blacks and whites are finding that their interests are identical." I then proceeded to show that in States like Georgia, where carpetbag governments had been displaced, taxes were lighter and wages higher than in South Carolina, where the negroes were still in the saddle. Between the end of the war and 1872, when the Bullock Republican administration in Georgia came to an end, the entire property belonging to negroes in that State reached the amount of only \$800,000. In the four years under Democratic rule it had increased to \$6,000,000. In twenty counties in Georgia in which the blacks had a majority, they received for educational purposes alone more than the entire tax they paid for all purposes. During the Republican administration of Arkansas the rate of taxation was six per cent. In a year and a half under Democratic auspices it had been reduced to one and a half per cent. During the same time the market price of Arkansas bonds had risen from twenty-seven to seventy cents on the dollar.

One of the arguments that we used in Tilden's favor was that under his Administration specie payment would be restored. The paper currency had increased \$72,881,-

750, during the Grant Administration, and the gold in the Treasury had diminished one half. The Democratic House of Representatives had reduced the expenses of the Government fifty millions below the estimates. Tilden's Administration had reduced the State taxes in New York from \$15,727,482 to \$8,268,196.

Mr. Evarts was one of the most effective orators on the Republican side. No one in this country was such a master of epigram. He cried, and the cry was effective: "Vote as we fought. Now, they ask us to bring back the same people that we expelled." To this we replied: "Did we fight to expel the South? They fought to get out. They wanted to go. It would not have cost us a dollar or a man to expel them. We fought to keep them in the Union." And again: "Mr. Evarts' speech is embodied secession. A Union in which the North rules over subject provinces, inhabited by men whom it does not trust and refuses to admit to a share in its councils, is no union."

To me one of the interesting occasions in the campaign was a speech at Wappingers Falls. I was living in my country house at New Hamburg nearby, and was invited to address my neighbors. My nearest neighbor at that time was Mr. Francis R. Rives, a Virginian of the famous family of that name, who had married a daughter of Mr. Barclay, the British Consul-General. He filled the position of an English country gentleman. He was interested in the local affairs of the neighborhood, served frequently as road commissioner, and was one of the wardens of Zion Episcopal Church. If under our system justices of

the peace were appointed, he certainly would have been a justice of the peace. He sat on the platform and afterwards, in Presidential elections during the remainder of his life, received me at his house and took me to the Falls to make my quadrennial address.

When the votes came to be counted it appeared not only that Mr. Tilden had a popular plurality of 250,935, and a clear majority of 157,037, which was never disputed, but that he had a majority of the uncontested electoral votes. His election was conceded for a time by all except leaders like Blaine, whose policy was to claim everything.

In like manner, when the votes were counted, Francis Tillou Nichols, Democratic candidate for Governor of Louisiana, had a majority in that State. His Republican opponent, S. B. Packard, nevertheless claimed the election.

The grounds of this claim soon appeared. During the era of Reconstruction there had been created in South Carolina, Louisiana and Florida what were known as "Returning Boards." These boards were composed of State officials and had authority under the law to reject any return that might be made from any electoral district. It soon was claimed that the election in these States had been carried for Tilden by force and fraud, and it was intimated that the returning boards would probably so determine, and find that the electoral ticket for Hayes and Wheeler had received a majority of the legal vote, although obviously it had not received a majority of the actual vote cast in any of these three States. Honest Northern Republicans, like my friend Henry J. Scudder,

justified themselves in this. He had been a Republican member of Congress from the First New York District. He said: "Under the Fourteenth Amendment the blacks have the right to vote. The South suppresses this vote by force and we are justified in resorting to any measures that we choose, to have the vote returned as we think it ought to be."

Excitement in the North was intense. On the one side the Republican leaders were reluctant to give up the power that they had held since 1861. On the other side the successful Democrats, flushed with victory, felt no disposition to be cheated out of the legitimate fruits of the hard-fought contest.

Then arose the question, how the result was to be decided. Some extreme Republican partisans claimed that under the Twelfth Amendment to the Constitution the President of the Senate must determine what votes should and what should not be counted. This article provides that: "The President of the Senate shall in the presence of the Senate and House of Representatives open all the certificates, and the votes shall then be counted." The Constitution does not say by whom the votes shall be counted, and it was argued that as the Vice-President was to open the certificates, it was he who should determine what certificates were valid. This contention, however, did not commend itself to thoughtful people.

On the other hand, the Democrats maintained that the precedent which had been adopted to regulate the count of the votes in 1865, in 1869 and in 1873 should be followed

in 1877. A joint rule had been adopted in these years by the Senate and House of Representatives. This provided that no votes should be counted except by the concurrence of both Houses of Congress. It was based upon the proposition that the counting of the vote of any State was an affirmative act, and required the joint action of both Houses. This was inconsistent with the contention of the partisans of the Vice-Presidential theory, that the Senate and House of Representatives attended only as spectators.

In 1876 the Senate was Republican, and the House was Democratic. The majority of the undisputed votes was clearly Democratic, and if the joint rule had been enforced, Tilden would have been declared elected. After the whole contest was over, Senator Wallace of Pennsylvania told me that Edmunds and Conkling, who were Republican leaders in the Senate, had admitted to him that if the Democrats had insisted upon the joint rule, they would have yielded the point and allowed the question to be settled in accordance with the precedents of the three last Presidential elections. But they were far from admitting this openly. On the contrary, they argued that the joint rule, adopted by a particular Congress, was in force for that Congress only, and was in no way binding on its successors. They insisted that under the Constitution the Vice-President was to determine the result, and it was intimated very positively in many quarters that General Grant, who was the President, would employ the whole army of the United States to enforce the decision of the Vice-President, whatever it might be.

This threat was startling to our people, who were just recovering from the agony of the four years between 1861 and 1865. Mr. Tilden declared to his friends that on no account should his pretensions to the Presidency be made the occasion for another civil war, and finally they accepted a compromise. It was agreed that there should be an electoral commission of fifteen who were to pass upon the validity of the various certificates from the contesting States, and determine the result. Four of the commission were to be justices of the Supreme Court of the United States, and were selected from those who were thought to be most impartial. Five Senators and five Representatives were added to the commission. This made the number fourteen, of whom seven were Democrats and seven Republicans. The question then occurred, Who should be the fifteenth member and have in effect the casting vote in case of a division on party lines? There was in the Supreme Court at that time one man, David Davis, of Illinois, who was thought to be impartial. The Democrats expressed their willingness to accept him as the fifteenth member. He had been a Republican, but it was thought that he was an independent one, and that his decision would be free from partisan bias. Here the Republicans were too clever for us. They induced the Legislature of Illinois to elect Mr. Davis as Senator from that State. In an evil hour he accepted the election, and resigned his position as justice of the Supreme Court. Then the Democratic leaders in Congress were prevailed upon to accept Mr. Justice Bradley as the fifteenth member of the board.

This great cause came on to be heard in the Capitol in Washington, February 1, 1877. Charles O'Conor was leader among the counsel for Mr. Tilden. Mr. Evarts was leader among the counsel for Mr. Hayes.

While all this discussion had been going on among the people and in Congress both parties had sent leading men from the North into the Southern States to investigate the three contested elections. These gentlemen came to be called "visiting statesmen." Each reported according to his party bias, with one honorable exception. Francis C. Barlow of New York went to Florida and reported that in his judgment the majority of legal votes in that State had been cast for Tilden; that there was no evidence of fraud or intimidation that would justify the rejection of the vote as returned at the time. Mr. Barlow was a Harvard graduate. During 1860, he took an active part in the Republican campaign. He made up his mind that war was sure to come. At the very first call to arms he volunteered in the Twelfth New York Regiment. He rose to be a Major-General of Volunteers, served with the greatest distinction, and conceived a bitter hatred for skulkers, who kept out of the fighting though their names were on the army rolls. Barlow was wounded, it was thought at the time mortally, at the battle of Antietam. As he was being carried off the field he saw one of these men, who afterwards rose high in the ranks of the Grand Army of the Republic, comfortably playing cards in the rear. Men like these have always been the loudest advocates of pensions for the old soldiers, and manage to get a full share for themselves. Barlow cordially detested fraud on whatever

side it was shown, and not for the Presidency would he countenance it in either party.

The Electoral Commission canvassed the vote of the several States in alphabetical order. The returning board in Florida, by changing the returns from the electoral districts, had made out a majority for the Hayes electors. An act of the Florida Legislature, approved January 17, 1877, authorized a recanvass. This was made and showed a majority for the Tilden electors. Their election was certified by the Governor and by the Secretary of State, under the great seal of the State.

The Tilden electors brought an action of *quo warranto* against the Hayes electors in the Circuit Court for the second circuit of Florida. This Court determined that the Tilden electors were entitled to the office and rendered judgment in their favor.

The Electoral Commission excluded evidence of these proceedings and held that no evidence could be received which had not been submitted to the joint convention of the two Houses of Congress, except as to the eligibility of electors. This decision was made by a vote of eight to seven. Mr. Justice Bradley gave the casting vote in accordance with his political predilections. The other seven votes on each side were cast in like manner. The Democrats voted for the Tilden electors, and the Republicans for the Hayes electors. So it was Mr. Justice Bradley who determined the result in favor of the latter.

The majority held that no evidence of fraud in the action of the returning boards could be permitted to overcome the effect of the certificate under the great seal of

the State, under the hand of the Governor. Mr. Justice Bradley delivered an opinion that evidence "*aliunde* the record" could not be received to impeach the certificate, and he came to be known as "*aliunde* Bradley."<sup>1</sup>

This decision in the Florida case was approved by the Senate by a vote of 44 to 25. It was rejected by the House of Representatives by a vote of 168 to 103. Thereupon, pursuant to the act creating the Commission, its decision became final.

When the vote of Louisiana came to be canvassed, the same rule was applied. Evidence was offered that a clear majority of the votes of the State had been cast for the Tilden electors, and that the returning board had fraudulently and without good cause stricken out the vote of enough parishes to show an apparent majority for the Hayes electors. In this case the Tilden electors had a certificate of election from Francis T. Nichols, who was afterwards acknowledged by President Hayes, to be the Governor of Louisiana. Nevertheless, the Commission, by a strict party vote, held that the vote of the State should be cast by the Hayes electors.

The Democrats thought that they had an answer to Judge Bradley's argument, and that notwithstanding the decision in the cases of Florida and Louisiana, Tilden might yet secure a majority of the Electoral College. In Oregon one of the Republican electors was a postmaster. Section 1, Article II. of the Constitution provides that no "person holding an office of trust or profit under the United States shall be appointed an elector." The

<sup>1</sup>Electoral count of 1877, pp. 138, 196, 202.

Democratic lawyers advised that this postmaster was ineligible, that the votes for him could not be lawfully counted, and that consequently the person receiving the next highest number of votes was entitled to a seat in the Electoral College of Oregon and to cast one vote as elector for the State. Accordingly the Tilden elector who had received the largest vote on his ticket cast one vote for Tilden and Hendricks. This vote was certified by Martin Grover, who was the Governor of Oregon, and under the great seal of the State. To the ordinary man this certificate would seem to have been binding upon the Electoral Commission under their decision in the Florida and Louisiana cases. But the majority had come to the conclusion that it was necessary to elect a Republican President. Their own decisions were not entitled, in their view, to any more weight than the popular majority, and accordingly when the vote of Oregon came to be canvassed, they received evidence to show that the three Hayes electors had really received a majority vote of the State of Oregon. They disregarded the Constitutional prohibition against the selection of an elector from among persons holding an office of trust or profit under the United States. Accordingly the whole vote of Oregon was canvassed for Hayes and Wheeler. This settled the question.

The Democrats made a contest on South Carolina and there also were defeated by a strict party vote. It must be admitted that the Republicans had some reason for claiming the vote of that State. Acts of violence against the negroes were most notorious there. The action of the returning board in that State had some justification.

Meanwhile a very important question had been mooted outside of the Commission. James Russell Lowell had been elected a Republican elector from the commonwealth of Massachusetts. He had become convinced that the action of the returning boards, at any rate in Louisiana and Florida, was fraudulent and unwarranted, and that the vote of both of those States should be counted for Tilden and Hendricks. An appeal was made to him to cast his vote in the Electoral College for those whom he honestly believed to have received the majority of the popular vote, and to be entitled to a majority of the votes in the Electoral College. It was urged upon him that under the Constitution it was his duty to exercise discretion in casting his electoral vote. The Constitution makes no mention of political conventions. It requires the electors to meet in their respective States and vote by ballot for President and Vice-President, one of whom at least, shall not be an inhabitant of the same State as themselves. This is the only restriction.

It was also made clear to Mr. Lowell that in the Federalist and the contemporary debates, when the Constitution was under consideration, it was distinctly stated that the duty of selecting the President should devolve upon the electors. It was insisted that if Mr. Lowell could not conscientiously vote for Tilden and Hendricks he ought not to vote at all. This would have left the vote a tie. In this case, under the Constitution, the election of President would have gone into the House of Representatives, the vote would have been taken by States, the majority of the States were Democratic, and the Democratic can-

dicate would have been elected. The Senate would have chosen the Vice-President. But Mr. Lowell declared that whatever his convictions might be as to the result of the national election, and the proceedings in other States to certify the electors from that State, he had been elected by the voters of the commonwealth of Massachusetts; that it was the unquestionable desire of the voters of that commonwealth that Hayes and Wheeler should be voted for in the Electoral College; that he was simply a trustee whose duty it was to vote in accordance with the will of his constituents, even though this had not been expressed in any legal or constitutional way.

Accordingly, when the votes of Massachusetts were counted, it was found that they were all for Hayes and Wheeler. The Commission held that 185 electoral votes had been cast for Hayes and Wheeler and 184 for Tilden and Hendricks.

Some of the Democrats in the House could not endure what seemed to them the manifest partisanship of the decision of the Electoral College, and favored a filibuster which might defeat the declaration of the vote, but Mr. Tilden manfully opposed all such suggestions, submitted himself like a good citizen to the decision of the tribunal upon which both parties had agreed, and accordingly the action of the Commission was ratified by Congress on the second of March, 1877. On the fifth of March, 1877 (the fourth being Sunday), Rutherford B. Hayes was inaugurated as President of the United States, and William A. Wheeler was duly inducted as Vice-President and President of the Senate.

During the contested Presidential election, Abram S. Hewitt, who was a member of the House of Representatives from New York City, was one of Mr. Tilden's most steadfast supporters. In November, 1891, in a public speech in New York, he told of this offer.

"The State of Louisiana has determined a Presidential election. The vote of this State was offered to me for money, and I declined to buy it. But the vote of that State was sold for money."<sup>1</sup>

During all this controversy there had been a certain eddy. The conditions of the carpetbag government in Louisiana and South Carolina had become so intolerable that the cooler heads among the Republicans felt that it was impossible to stand for it any longer. It was alleged that there was a bargain between them and some of the Southern leaders, by which it was agreed that the Southern leaders should not contest the election of Hayes and Wheeler, and that, on the other hand, the Republicans would not oppose the determination of the local State elections in favor of the Democratic candidates for governor; while Mr. Hayes would not support by Federal troops the claim of the Republican candidates to hold the local offices to which the returning boards declared they had been elected. Whether this bargain was made it is impossible to say. In any case the terms of it were carried out. It was plain that if the Tilden electors were not entitled to the votes of Louisiana and South Carolina, the Republican candidates for governor of those respective States were entitled to that office.

<sup>1</sup> Hudson, *Random Recollections*, p. 77.

President Hayes, however, withdrew from S. B. Packard, who had been declared by the returning board Governor of Louisiana, the support of the Federal troops. Nicholl, his Democratic competitor, had been sworn in, January 8, 1877. As soon as the Federal troops were withdrawn, he became Governor *de facto*, and his administration was the only one recognized by the Federal authorities. He afterwards became Chief Justice of the Supreme Court of Louisiana, and died, full of years and honors, January 4, 1912.

## CHAPTER VI

### NATIONAL POLITICS AFTER THE WAR, 1877-1884—(*Continued*)

THE Administration of Mr. Hayes was honorable to himself and to the country. If history must condemn the method by which his title was declared and his inauguration secured, it must honor his conduct when in office. Probably he reconciled his conscience to what had been done as Mr. Scudder did. William M. Evarts became his Secretary of State, Carl Schurz, Secretary of the Interior, and John Sherman, Secretary of the Treasury. During his Administration the Government and the banks resumed specie payment without shock. Confidence was restored, business prospered, commerce increased. The election of 1880 found the country satisfied. During the previous years, a Republican Committee of the House of Representatives, under the leadership of Benjamin F. Butler, had tried to distract public attention from the methods which had been adopted to seat Mr. Hayes, by attacking the good faith of Mr. Tilden and his associates during the campaign of 1876. Some of the officials of the Western Union Telegraph Company were willing to coöperate in this undertaking and produced great numbers of telegrams which had been sent during the campaign. This

was done, in obedience to a subpoena, but it was done in violation of the law prohibiting such production, which showed that the officials were on the Republican side. A better piece of stage management than that of General Butler during this investigation can hardly be imagined.

[ It is said that no cipher was ever invented which was not decipherable by skill. The cipher which had been used by the Tilden Committee was deciphered and the contents of the telegrams given to the world. They showed that he distrusted the honesty and good faith of the Republican managers and that every endeavor was being made by him and his friends to counteract the manoeuvres on behalf of Hayes and Wheeler. They showed that he could have had the vote of one of the Republican electors from Louisiana if he had been willing to pay a round sum for it. This he refused to do.

The telegrams by which Governor Grover of Oregon was induced to certify to the election of the Democratic elector from that State were brought to light and were made a subject of partisan discussion. It was alleged on one side that it was obvious that Oregon had intended to vote for Hayes and Wheeler and that it was monstrous to try to divert the vote of one elector to their adversaries. Democrats rejoined that the method adopted by the returning boards of Louisiana and Florida was fraudulent and all the worse because it was done under color of law, and that it was right for Mr. Tilden and his friends to take advantage of any technicality by which real justice could be secured. But the clever manipulation by which portions of these telegrams were given to the press

and were advertised under flaming headlines as evidence of fraud and corruption of the Democrats, did succeed in diverting public attention from the real question as to the result of the election of 1876.

During this contest, Clarkson N. Potter was active on behalf of his neighbor, Mr. Tilden. He was a lawyer, tall and well proportioned, with a flexible, well-modulated voice and magnetic personality. His father, the Bishop of Pennsylvania, was a gentleman of the old school, full of gravity and quiet dignity. His political opinions were of the Federalist type. The son became a Democrat. Unlike many of his associates he realized that while principles never change, their application varies from age to age, and that the conservatism of to-day often stands where the most progressive stood a generation ago.

This willingness to learn is one of the marked characteristics of our age. It has seen so much that was said to be impossible, and has realized so often the French proverb that the thing you do not expect is always that which happens, that it is full of the receptiveness of youth.

There is an album on one page of which Guizot, Thiers and Bismarck each inscribed a sentence. Guizot wrote: "The result of my long experience in life is that it is wise to forgive, but never to forget."

Thiers wrote below: "A little forgetfulness would not impair the sincerity of the forgiveness."

Bismarck added: "I have been so busy that I have been obliged to forget."

A man of action must learn this lesson. Mr. Potter was

an apt scholar, and quickly learned the lessons of the Civil War.

He was elected to Congress in 1868 from the Westchester district, and with an interval of one term was a member of the House of Representatives for ten years. During a large part of this time he was a member of the minority. Unfortunately for his political position, he declined reelection in October, 1874. Had he been a member of the Democratic House that assembled in 1875, he would probably have been elected Speaker instead of Mr. Randall. But his position in the party nevertheless was one of preëminence. The people trusted him, and had he lived he would probably have been the candidate for Governor in 1882. Unfortunately on the seventeenth of January of that year, when he was not in good health, he left his home in New York, on an express train for Albany, intending to argue a case before the Court of Appeals that same afternoon. In his state of health the early start and the sudden plunge into the excitement of the argument after the fatigue of his journey were too much for him. He broke down during the argument, was removed to his home, and died there on the twenty-third of January, 1882.

I must mention one remarkable piece of professional work, which showed his fertility of resource.

A sharp contest was going on for control of the Pacific Mail Steamship Company. As the day for electing directors approached, it became evident that the election would depend upon the vote of one block of the stock. With this Mr. Potter's clients would have the majority;

without it they were in the minority. They secured the support of the holders, and then it was suspected that the opposite party would on some pretext procure at the last moment an injunction from Judge George G. Barnard prohibiting the inspectors from counting the vote of this stock, and that thus they expected to secure the triumph. Many eminent counsel were associated with Mr. Potter in this case. The manoeuvre which won the day was the result of a conference between them; but it does them no injustice to say that he was the author. A bill was filed in the United States Circuit Court alleging the impending danger and praying that the inspectors of election be enjoined from counting or declaring the vote until all controversy as to this particular block of stock should be decided. Judge Blatchford granted an injunction in accordance with the prayer of the bill, and the victory was won.<sup>1</sup>

The Republican National Convention that met in 1880 was harmonious in one thing only: it had no desire to renominate Mr. Hayes. Excellent as his Administration had been, it was thought advisable not to raise any question as to the validity of his election by renominating him as a candidate. Accordingly he "retired unanimously." James A. Garfield represented one wing of the Republican party. He was bitterly opposed by Senator Conkling, but he was nominated for President. It was thought to placate Conkling and his friends by nominating Chester A. Arthur for Vice-President. Arthur had

<sup>1</sup> *Brown v. Pacific Mail S. S. Co.*, 5 Blatchf. 525 (1867). The ingenious proceedings threatened and enjoined are in this report detailed.

been active in local politics in New York, had been Collector of the Port, and an ardent supporter of Mr. Conkling.

The question with the Democrats was whether they should renominate Mr. Tilden and make the campaign on the issue of fraud in 1876. The New York *Sun* advocated this course. For successive weeks it printed a crude likeness of Mr. Hayes on its editorial page, with the word "fraud" inscribed upon his brow. But the ingenious handling of the correspondence which has been mentioned led many Democrats to doubt whether it was best to make that the principal issue of the campaign. Mr. Tilden said to his friends that he was willing to be a candidate or was willing to withdraw, if it was in the interest of the party, and he gave one of them a letter of withdrawal which was finally presented to the Convention at St. Louis.

So many reproaches had been cast upon the party for its conduct during the war, that it was thought advisable to nominate a man whose courage and loyalty could not be questioned. Accordingly a gallant officer, who had served with distinction from the beginning to the end of the war, Winfield Scott Hancock, was nominated for President. The nomination was received with enthusiasm, and great encouragement was given to the canvass by the result of the Maine election in September. The Democratic candidate for Governor, Garcelon, was elected, it being the first time that the Democrats had carried the State since 1853. We held jubilee meetings all over the country to stir up the constituencies to renewed efforts for Hancock.

The tariff question was discussed more than it had been

in 1876. But the Democrats were not united. Protectionist Democrats like Randall, who had been the Speaker of the last House, found the tariff very well as it was. Hancock, in the course of the campaign, tried to reconcile and unite his supporters, and used an expression which became famous, "The tariff is a local issue." In one sense, this is true. The interest of voters in each part of the country has always influenced their votes on the tariff. Pennsylvania was carried for the Democrats in 1844 by the cry "Polk and Dallas and the tariff of 1842." This latter tariff, be it remembered, was considered in those days a high protectionist tariff, though in comparison with the McKinley and the Payne-Aldrich bills, it was moderate indeed. Times had changed, however, since 1844. The utterance referred to cooled the zeal of Democratic tariff reformers, and gained no votes from the opposite side. The result was that Garfield and Arthur were elected in November, 1880.

The troubles of the Administration began in March, 1881. The Senate assembled in extra session to give their advice and consent to the nominations by the new President. A controversy arose, not as to any great measure of statesmanship, but as to who should be appointed to the office of Collector of the Port of New York. Senator Conkling claimed the right to control that particular piece of patronage. The President thought proper to exercise the power of appointment which the Constitution conferred upon him, and appointed William H. Robertson, a leading Republican, and able lawyer, in spite of Mr. Conkling's protest. It seems hardly possible

that so much bitterness should have been stirred up within a great party on such a subject, but it was.

Mr. Conkling and his junior, Thomas C. Platt, resigned their office, May 14, 1881, and went back to the Legislature of the State of New York for reelection and vindication.

Meanwhile an unbalanced, excitable person named Guiteau, who had been an admirer of Conkling, had been himself an applicant for office, and had been disappointed, went to the station of the Baltimore and Potomac Railroad in Washington on the morning of the second of July, 1881, and shot the President. The crime sent a thrill of horror through the country. Every exertion was made to save Mr. Garfield's life. He was taken on a special train to Elberon, New Jersey. All through the summer there were hopes for his recovery, but in September he died, and Arthur, who had been acting as President, was sworn in and became President of the United States. If it had been supposed possible that the Vice-President would succeed, Arthur would not have been the man to be selected. He changed entirely the Cabinet of his chief, but he selected competent men for his Cabinet officers. Unlike every other President of the United States, he left most of the executive business to them, and contented himself with filling an honorable ornamental position, similar to that of the President of the French Republic.

The assassination of Garfield was so coupled with the unseemly contest for patronage and office that had been going on ever since Garfield was inaugurated, that it led men of all parties to listen to those who had advocated the cause of civil service reform. President Arthur

recommended to Congress the passage of a civil service bill. This was introduced in the Senate by Pendleton of Ohio, passed almost unanimously through both Houses, and became a law, January 16, 1883.

Meanwhile, the late Senators from New York did not receive the vindication they expected. After a long and bitter contest in the Legislature, they failed to receive a majority vote, and others were chosen in their place. Mr. Conkling went back to practice law in the city of New York. Proud, high-spirited, overbearing always, his ability gained for him a prominent position at the Bar. Unfortunately, on the bitter morning of the blizzard in March, 1888, he undertook to walk down Broadway from the Fifth Avenue Hotel, to his office, was chilled and overcome by the storm, and died shortly afterwards.

Platt remained in a certain degree of obscurity for a time, but finally regained his political prestige, was returned to the Senate, and remained there until the fourth of March, 1909. The last time I saw him was during the winter session of Congress, 1908-09. He was in his room at the Arlington, which he had occupied for many years; was old, infirm, could not walk any longer without assistance, but showed in every look and gesture all his old-time shrewdness. He was a power in the State of New York while he lived, but he left nothing of permanent value to make his fellow-citizens remember him, and will speedily be forgotten.

These divisions left the Republican party in New York in a disorganized condition. When the time came for the Congressional and State elections of 1882, the Democrats





**PRESIDENT GROVER CLEVELAND**

(From a Painting by Zorn in the Possession of Mrs. Daniel S. Lamont)

had good hope of success. Their chances in New York were much improved by the interference of the President. He recommended to the Republican Convention the nomination of Charles J. Folger, who was then Secretary of the Treasury. He had been chief judge of the New York Court of Appeals, and was a lawyer of great ability and high character. But at that time the temper of many New York Republicans was such that the Angel Gabriel would not have been acceptable to them had he been supposed to be favorable to the Administration of President Arthur. This ill-judged interference was fatal, although in any case the Democrats would have carried the election.

At the Democratic Convention the question was, who should be the candidate. Daniel Manning, who was one of the ablest and shrewdest political managers New York ever saw, brought forward a young Democrat from the western part of the State, who had won the confidence of the people of Buffalo and of Erie County by the fidelity with which he had discharged the duties of the office of sheriff, and afterwards those of mayor. To both offices he had been elected as a reform candidate. He had won the confidence of his political friends, and of many Republicans.

Sherman S. Rogers, who was one of the best lawyers in New York and had been for many years the leading Republican in the western part of the State, said to me before Grover Cleveland was nominated for Governor, that he was a man of high character, great ability, unusual courage, and especially fitted for the duties of Governor.

"But," he added, "the Democrats are not wise enough to nominate him." We did, however, nominate Cleveland, and he was elected by a majority of 192,800. On the first of January, 1883, he was inaugurated.

Up to this time he was unknown to the people outside the State of New York. It was said that he had never been in Washington until the time of his inauguration. But his election by so large a majority gave him a prominence which made him the most eligible candidate for nomination by the party in 1884. As long ago as July, 1832, Daniel Webster wrote to Abraham Van Vechten of Albany, "On the whole, we think all depends on New York. We cannot doubt that if the great State goes right, the general result will be right." Democrats generally in 1884 were of the same opinion.

Beside the regular delegation selected at the Democratic State Convention, there was a delegation of independents who went to Chicago to advocate the nomination of Cleveland. We had a special train over the newly built West Shore Railroad, which had gone into the hands of a receiver before it was finished. We made a vigorous canvass at Chicago, and had something to do with the nomination which was finally made. At that Convention the Tammany delegation appeared in full force. In company with some of my Chicago friends I watched their parade through the streets. They expressed surprise that these were such a good-looking set of men. I replied then, as I have often said since, that there were a great many good men in Tammany Hall.

The nomination was made and we set to work. At an

early period some scoundrelsmongers in Buffalo brought forward charges affecting Mr. Cleveland's private life. These scandals startled many of his supporters. R. R. Bowker, who was a prominent member of the Republican contingent that had been supporting Cleveland, telegraphed him, "What reply shall be made?" and the answer was: "Tell the truth."

The Republicans had nominated James G. Blaine. He had been bitterly opposed in the Convention. One of his most active opponents at that time afterwards became President of the United States. But Theodore Roosevelt finally came to the support of the candidate. George William Curtis, Carl Schurz and E. L. Godkin, of the *Evening Post*, came out in support of Cleveland. The bitterness with which these men were assailed is almost incredible. Mr. Curtis was in the constant receipt of scurrilous and threatening letters.

The members of the Bar in New York City came out gallantly in support of Cleveland. Fifteen hundred of us marched in procession on the first of November. I wrote an editorial for the *Post* in which I stated that we did this in order publicly to advise our clients:

That we had studied the Blaine letters; that we were convinced as lawyers that he had sold his official power and influence for railroad bonds; that if President he would do the same thing; that consequently the rights of every citizen, even the humblest, would be endangered by his election. The property and liberty of every man are subject to the decision of the courts. The President appoints the Federal judges. Blaine, if elected will appoint four judges of the Supreme Court. Federal judges appoint the supervisors of elections.

The worst political evil that can happen to their clients, the lawyers reasoned, is the election of Blaine.

Whether these charges against Blaine were well founded, it is now unnecessary to consider, but we thoroughly believed that they were, and on this ground many Republicans came to our assistance. On the other hand, Blaine had many elements of popularity of which Cleveland was destitute. He had extraordinary personal magnetism, and had kept a large following on both sides of the political line. It was a close struggle. An incident that occurred near the conclusion, was thought to turn the scale in New York. At a meeting at the Fifth Avenue Hotel, from which it was hoped that the sympathies of religious people would be enlisted in Blaine's support, Dr. Burchard, a leading clergyman, arraigned the Democratic party. According to him, it had always been a supporter of "Rum, Romanism and Rebellion." This curious alliteration was placarded all over the city and especially brought to the attention of Roman Catholic voters. Whatever Blaine may have gained among the Protestants he more than lost from the other side, and when the votes were counted it appeared that Cleveland had carried the State of New York by a majority of 1149; small, but sufficient. So it proved to be true, as Schurz and George Haven Putnam had repeatedly claimed, that both the political organizations were "minority parties." Neither could succeed without the help of the independent voters, the growth of whose numbers and influence since the movement of the "Young Scratchers" in New York in 1879 became a noteworthy feature of political history.

This was a campaign, organized by R. R. Bowker, to induce Republican voters to scratch the name of an obnoxious candidate from their ticket. It succeeded and his Democratic opponent was elected, the only one on his ticket who had a majority.

## CHAPTER VII

### **THE FIRST CLEVELAND ADMINISTRATION, 1885-1889 THE HARRISON ADMINISTRATION, 1889-1893**

THE two most important subjects that Mr. Cleveland had to deal with during his first Administration were the civil service and the tariff. Cleveland found himself embarrassed by applications for office from the members of the party who had practically held no Federal offices since 1861. The proscription to which Democrats had been subjected in the matter of Federal appointments led to the feeling that many of the old officials should be removed to make room for new. Of course the chief officers of the Government should be selected from those who are in sympathy with the President, and they were. But the question was embarrassing with reference to the appointment to offices, the tenure of which was fixed by law for four years.

Cleveland decided that those persons who had been appointed during the Republican Administration and had served faithfully should serve out their terms, and that partisan activity on the part of any officers of the Government should not be permitted.

One difficulty that beset him in his first Administration was want of familiarity with the organization of business

in Washington. In this I was able to be of service. Colonel Lamont, his private secretary while he was Governor, who accompanied him to Washington, and became Secretary of War during the second Administration, asked me what I would recommend in reference to retaining the subordinate staff at the White House. I told him that I would advise him to retain them; that the men had grown up in Washington during the war, had taken practically no part in politics; that it had become part of their nature to be loyal to the Administration; that this was a matter of conscience during the war, and that the tradition remained. The staff at the White House would be as loyal to the new Administration as they had been to the old, and their intelligence, their knowledge of the methods of doing business in Washington and of the etiquette of that place, which is full of traditions and observances, would be of great value. My suggestion was adopted and there never was any regret. Charles Milton Hendley in particular, who was then one of the junior secretaries, and who afterwards left the government service and went into business with success, was an intelligent and faithful assistant.

In one respect Cleveland added greatly to the efficiency of his Administration, and promoted that unity in public sentiment which can never prevail when persons from one section of the country are practically excluded from office. He placed in high public station many Southerners. Some, like Hilary A. Herbert, became members of his Cabinet. Others filled various positions of trust under the Government. William L. Trenholm, for example, became Civil

Service Commissioner, and afterwards Comptroller of the Currency. The South began to feel that once more it had part in the Government, and this did much to promote better understanding between the different parts of the country.

The apprehension that general business would decline in consequence of the election of a Democratic President proved to be mistaken.

Business was brisk; imports increased, and consequently the receipts of the Government from duties. This led to an increasing surplus in the Treasury, and convinced Cleveland that there must be a revision and reduction of the tariff. He determined to bring this specifically to the attention of Congress, and at the opening of the session in December, 1887, devoted his whole message to a consideration of the tariff, and the necessity for its reduction. On this issue the campaign of 1888 was waged.

In Cleveland's letter, dated June 29, 1887, to the Tammany Society in answer to their invitation to take part in an Independence Day celebration, he stated his position concisely.

Our Government belongs to the people. They have decreed its purposes, and it is their clear right to demand that its cost shall be limited by frugality and that its burden of expenses shall be limited by its actual needs, and yet a useless and dangerous surplus in the national Treasury tells no other tale than that of extortion on the part of the Government and of the perversion of the people's intention. Although those who propose a remedy for present evils have always been the friends of American labor, and they have declared their purpose to further its interest in all their efforts, yet those who

oppose reform, attempt to disturb our workingmen with the cry that their wages and their employment are threatened. They advocate the system which benefits certain classes of our citizens at the expense of every householder in the land—a system which breeds discontentment because it permits the duplication of wealth without corresponding additional recompense to labor, which prevents the opportunities to work by stifling production and limiting the area of our markets, which enhances the cost of living beyond the laborers' hard-earned wages. The attempt is made to divert the attention of the people from the evils of such a scheme of taxation by branding those who seek to correct these evils as free traders and enemies of our workingmen and our industrial enterprises.

That is so far from the truth that there can be no chance for such deception to succeed.

This statement respecting the argument that a high tariff raises wages finds an illustration in the strike in the glass works, which took place immediately after the passage of the tariff bill of 1883. This act raised the duty on beer bottles from 35% ad valorem to one cent a pound which was in effect 100% ad valorem. This was done by a single line introduced as an amendment in the Senate, the effect of which was probably not understood by ten men who voted for it. It netted the owners of the bottles in stock in this country a profit of \$400,000. The price at once went up, and thereupon the Amalgamated Glass Association insisted that their wages should be raised ten per cent. and that this was no more than a just equivalent for the increase in duty. Their position was logically unanswerable. The avowed purpose of the increase in tariff taxes was to increase the wages of labor. The men knew that the duty had been trebled and it was

certainly natural that they should insist that some increase should be made in their wages. This was refused, the men struck, and our glass works were shut down for nearly ten months. Almost all the bottles and window glass used in this country during that time were imported. The result was a loss to the country of at least thirty million dollars, and the growing trade in the export of beer to South America and the West Indies was checked, owing to the increase in the price of bottles in which the beer was shipped. A curious feature of this change, and one characteristic of the McKinley tariff, was that while the duty on cheap beer bottles was raised to one hundred per cent. the duty on costly cut glass bottles was only forty per cent.

Some Democrats thought Cleveland's tariff message impolitic. But his party stood by him and he was nominated at St. Louis in July, 1888. Benjamin Harrison was the Republican candidate. The campaign was strenuous. Never had the Democrats faced a more lavish use of money on the Republican side. The high protectionists were determined to win.

James P. Foster, who was president of the Republican League, at about this time, sent a circular to manufacturers throughout the country in which he declared, quoting from a Republican Senator whose name is not given:

The campaign which we are about to enter will concern more than anybody else the manufacturers of this country. . . . I have it from the best possible source that the manufacturers of Pennsylvania, who are more highly protected than anybody else, and who make large fortunes every year when

times are prosperous, practically give nothing towards the maintenance of the ascendancy of the Republican party. Of course I shall not violate what I consider to be a proper principle of action, but if I had my way about it I would put the manufacturers of Pennsylvania under the fire and fry all the fat out of them.

Whether our opponents succeeded in frying the fat out of the Pennsylvania manufacturers we had no authentic information. There was no law at that time requiring publicity for campaign expenditures. But the Republicans had a great deal more money to spend in the campaign than the Democrats and the canvass showed it. We made a gallant fight, and discussed the tariff and civil service reform in every State, notably in New York, Massachusetts, Rhode Island, Connecticut and New Jersey.

Cleveland had done his utmost to check the extravagance of pension legislation. Beside the general pension bills, it had become the custom to introduce innumerable special bills giving pensions to particular persons. He was the first President who had the courage to examine each of these. He caused a special inquiry to be made in every case by officials in the Pension Office, and vetoed a great many of these bills. For this he was bitterly assailed by members of the Grand Army of the Republic, amongst others by the man whom Barlow saw playing cards in the rear at the battle of Antietam. But as I made campaign speeches in the different States I have mentioned, I found that the people generally approved his conduct. My defense of him was always greeted with applause. His attitude towards pensions was not the

cause of our defeat. We were defeated. Cleveland had a plurality of the popular votes, as Tilden had in 1876, but the plurality against him in the State of New York though small was sufficient to give the electoral vote of that State to Harrison. This turned the scale and he was elected.

David B. Hill was the Democratic candidate for governor in that election. He had been nominated for Lieutenant-Governor in 1882 almost by a fluke. A young lawyer, whom he had befriended, and who had been put in charge of a newspaper in Elmira, espoused his cause. He was then an obscure man. His friend eulogized him as a Democratic lighthouse in the midst of that Republican district. There was no other prominent candidate and Hill was nominated. On one occasion in 1884, when he was Lieutenant-Governor he rendered to the cause of civil service reform a service of vital importance. We had carried our amended bill through the Assembly, which was then Democratic. The Senate was Republican. Its President, *pro tem.*, was Alvord, of Syracuse, commonly known by the name of "Old Salt." A more bitter enemy of civil service reform can hardly be imagined. The amendments to the law which had passed the Assembly were not favored in the Senate, and a committee of conference was in order. Everything depended on the conferees. We knew that if Alvord were to appoint them we should have unfriendly votes in the committee and would probably lose all that was valuable in our amendments. So Silas W. Burt and I called upon Mr. Hill, told him of the position, reminded him of the pledges of the Democratic platform on the subject of civil service

reform and of what the Governor himself had done to promote it, and asked him to go down to the Senate that evening and appoint conferees who would be favorable to the amendment.

Hill said it had been his practice to leave the Republican majority responsible for legislation, when anything of importance was under consideration, but that he recognized the importance of the situation, and that he would go down to the Capitol that evening and would appoint conferees who would be friendly to the pending bill.

He kept his word. He appointed conferees from among our friends in the Senate. They recommended to the Senate to recede and concur with the bill substantially as it passed the Assembly. The Senate did so, and our bill was passed. That eminent jurist, Alton B. Parker, has recently stated that Hill was disappointed at the result of the election; that he felt it would be a prejudice to his political future to be elected Governor while Cleveland was defeated for the Presidency. If Hill had supported the second Administration of Cleveland, and had been willing to keep up the alliance which at the time of the incident I have narrated he was glad to maintain, he would probably have succeeded Mr. Cleveland as President.

Harrison was inaugurated on the fourth of March, 1889. He did not follow Cleveland's example in the administration of the civil service reform system, but dismissed from office many of the Democrats who had been prominent in the previous Administration.

There was a celebration in New York in April, 1889, on

the centenary of the inauguration of George Washington. Harrison took part in it. Amongst other functions there was a religious service in St. Paul's Chapel, which Washington had attended and in which his pew is still preserved with the national arms above it. In this pew sat Harrison, with some of his Cabinet, and there he listened to a sermon from Bishop Henry C. Potter that some of us thought was not unworthy of Isaiah. He denounced with great boldness all use of public office as a reward for political service, and advocated the principles of civil service reform with a cordiality and clearness that I hope impressed the heart of the President. While an observation which was made to me by a Cleveland Republican who knew Harrison while in the Senate was probably true, viz., that in that body he had been an inveterate spoilsman, and while as President he did a great deal to reward political service with public office, he made the best judicial appointments that any President had made for many years.

In his time the Circuit Court of Appeals was created. That was one of the important services which Mr. Evarts rendered to the American public. Under the system, created by the first Judiciary Act of 1790, and which existed with few changes from that time until 1869, the practice was this: A Justice of the Supreme Court was assigned to hold court in each circuit once a year, and a District Judge sat with him as a member of the Circuit Court. To this court appeals were taken from the decrees of the District Court in admiralty cases. A writ of error would lie to review a judgment of the District Court in

common law cases. In cases originating in the Circuit Court a motion for a new trial or rehearing could be made before the full bench, composed of the Circuit Judge and the District Judge.

In 1869 the urgency of business compelled the passage of an act for the appointment of an additional Circuit Judge in each circuit. The District Judge had been previously authorized to hold a Circuit Court in his district. But by the year 1876 the force of judges in the Federal courts had become insufficient to transact the business in many of the circuits, particularly the second, in which New York City is situated. The Bar Association of the City of New York in 1877 and again in 1882,<sup>1</sup> recommended the passage of bills increasing the number of circuit judges and authorizing the review in the Circuit Court, at a general term to be held by three judges, of all appeals from the District Court, of writs of error to the District Court, and of all motions for a new trial or a rehearing in the Circuit Court.

We supposed that at this time Mr. Evarts was friendly to this measure. He had favored in the American Bar Association another act for the relief of the Supreme Court, by which the number of justices of that court was to be increased. The court was to sit in divisions and a quorum of each division might be less than a majority of the whole court.<sup>2</sup> Mr. Evarts became Senator in 1885. He changed his mind on this subject and concluded that it would be

<sup>1</sup> Charles O'Conor was chairman of the committee which recommended this change in 1877. I had the honor to be chairman of the committee which acted in 1882.

<sup>2</sup> *Reports*, American Bar Association, vol. v., pp. 19-101.

better to have a Circuit Court of Appeals in each circuit, composed of three judges, which would be in most cases the final court of appeal. The Supreme Court was still to retain the right of review in Constitutional cases and had the right by means of a writ of *certiorari* to allow a review of any final judgment of the Circuit Court of Appeals.

The bill providing for this new court became a law, March 3, 1891. President Harrison's appointments to the new judgeships were non-partisan. They were selected, as they always ought to be, from men who had been leaders of the Bar, or distinguished on the Bench, even though they had been opposed to him in politics.

This leads me to give some account of my campaigning experience in Maine in 1888. William L. Putnam, who is now Circuit Judge of the United States for the first circuit, was then at the head of the Portland Bar. I met him in the course of some litigation in which I had been counsel for clients residing in New York, who had brought suit against some Maine merchants. I went to Portland to take testimony. Putnam was on the other side. In the canvass of 1888, we were desirous of getting a large vote in Maine. Putnam had been nominated for Governor. He asked me to come down and make some speeches in his behalf, which I did. The Maine Democrats held an open-air meeting near Portland to which thousands came from the surrounding country. The speakers' rostrum was on the balcony at the gable of a hotel. On the opposite side of the road was a rising ground which made an excellent amphitheater, and the intervening space was covered with

people. Some of them were in wagons in which they had driven in. There were as many as four thousand persons present. The whole scene was lit up gaily with torches, and the applause and enthusiasm were unmeasured.

Then I was sent off to Bangor, and, after a meeting there, was escorted by a torchlight procession to a meeting on the other side of the river. It was a triumphal array. If I had been a Roman Emperor I could not have been greeted with more shouting, or a more brilliant display of torches and banners. The result of it all was a very good vote for Putnam. We did not expect to elect him, but we were not ashamed of the result. He himself was prominent in the campaign, and spoke in many parts of the State. In short, he was the leading Democrat in Maine. All this did not prevent the President from appointing him as one of the judges of that court which he has honored ever since.

I came to know Harrison personally after he had ceased to be President. He was appointed member of the committee of the American Bar Association on International Law. Of this committee I was chairman, and it fell to my lot to discuss with him the subject of international arbitration. His objection to it was that arbitrators would try always to split the difference between the parties and that they would never decide a case according to strict law. He was certain that this had been the action of the special tribunal that heard the case of the disputed boundary between Venezuela and British Guiana. He was counsel for Venezuela. This was before the creation of The Hague International Court.

The first business of President Harrison was to call a special session of Congress for the purpose of revising the tariff. A new tariff bill was introduced by McKinley of Ohio, who was chairman of the Committee on Ways and Means. He announced as his purpose the putting on the free list of all articles which were not produced in this country. Sugar was put on the free list, and a bounty given to all the producers of sugar grown within the United States. I remember being asked by a Westerner, who was considering going into the production of beet sugar, whether I thought Congress would have the Constitutional right to repeal such a bounty. The production of beet sugar in this country at that time was in its infancy. I advised him that Congress had such a right. This was afterwards exercised.

The McKinley bill was constructed and passed by a combination of interests, each of which desired special favors, and united with those who had other articles to be "protected," as the current phrase was. By this process of log-rolling, the duties were put at a rate far in excess of any rate necessary to equalize the difference between the wages paid in America and those paid in foreign countries. That was then the standard advocated by the protectionists. When it came to be put in practice, the limit was disregarded. To test this, Senator Gray, who was then Senator from Delaware, and was afterwards appointed Judge of the United States Circuit Court of the third circuit, introduced in the Senate two amendments which I had drawn to the McKinley bill. One of these proposed to make the maximum duty, except in cases of

spirits and tobacco, seventy-five per cent. The other authorized the Secretary of the Treasury to investigate the difference in wages between foreign countries and the United States, and to reduce the rate of duty imposed by the tariff to a rate sufficient to cover the difference. Both of these amendments were voted down. They were introduced for the purpose of testing the sincerity of the protectionist advocates, and they have been afterwards referred to on many a platform.

The McKinley bill came at an era of reviving prosperity which had already set in under Cleveland's Administration. It had the effect of greatly increasing the prices of many American manufactured articles. This increase was due in part to causes other than the tariff, but the tariff did have its part in the result. That was its designed object. As one of the franker Republicans said: "What is the use of a tariff if it does not increase the price of articles we produce?" So the agitation for tariff reform went on.

Meanwhile, Mr. Cleveland had gone back to the Bar and become a member of the firm of Bangs, Stetson, Tracy & MacVeagh. I had the satisfaction of seeing that firm come into the building, 45 William Street, in which my own office was situated. There were a great many reformers in the building at that time. Both Cleveland and Stetson could fairly be placed in the front rank. Besides them there were Thomas G. Shearman, who was one of our leading free trade advocates, and myself.

The effect of the McKinley bill, the increase of prices which followed it and the thorough discussion of the tariff which had been going on throughout the Harrison

Administration, was to give the Democrats a majority in the House of Representatives elected in 1890.

One of the arguments that we used in condemnation of the bill was that it had been carried through the Senate by the votes of eight Senators who represented less than one fifth of the population of the State of New York. These were from the four new States of North Dakota, South Dakota, Washington and Montana. No one of these States had then population enough to entitle it to a single seat in the House of Representatives, but their eight votes in the Senate were wanted for the new tariff, and were given. In order to secure the passage of the bill the Republicans had seated two contestants from Montana, although the votes as cast, the judgment of the Supreme Court of the State and the certificate of the Governor were all in favor of the Democratic Senators.

The Democrats, however, were not discouraged. The Reform Club gave a jubilee dinner to Mr. Cleveland at the Madison Square Garden on the evening of December 23, 1890. The front of the galleries was festooned with holly. The guest table occupied the western end of the hall. As President of the Reform Club, it was my honor to preside. On my right was Grover Cleveland. On his right was Horace Boies, the Governor of Iowa, the representative of the western political element that had wrought such a change in the complexion of politics in the great Northwest. On my left was John G. Carlisle, who had been Speaker of the House, and was now in the Senate. Next to him was William E. Russell who had just been elected Governor of Massachusetts, and had led the re-

formers to victory in the old Bay State. William L. Hensel was there from Pennsylvania, Tom Johnson from Ohio and William L. Wilson from West Virginia. We were glad to have at the guest table two Cleveland Republicans, Carl Schurz and Horace White.

Towards the end of the dinner the balconies and galleries began to fill with ladies. When Mrs. Cleveland appeared, clad in white satin with a fillet of white about her head, she was received with boundless applause. Every man rose to do her honor. A great shout of welcome went up and was repeated again and again until she was obliged to step to the edge of the box and bow her acknowledgments.

And then I made a short speech of welcome:

Our strife, has been with cupidity, cowardice and credulity. The cupidity of those who, not satisfied with the reward of honest labor must needs seek the aid of legislation to increase their gains,—the cowardice of those who have lost faith in American skill and energy, and fear to meet foreign competition on a fair field,—the credulity of those who really believe that the tariff is not a tax, and that it is possible to make the foreigner pay the expenses of our own Government.

Then I told the story of the Reform Club, with its loyal and unselfish volunteers and cried:

But there is one to whom these acknowledgments are especially due. The old Hebrew proverb declares, "When the tale of bricks is doubled, then comes Moses." When the burdens of unnecessary taxation press heavily on the American farmer and workingman, then comes Cleveland.

At this the whole audience rose and cheered and cheered again. I added:

Some of the people lost courage and wished the battle had never been begun. But our great leader did not abate one jot of hope. He did not covet immediate success.

“Some innate weakness there must be,  
In him who condescends to victory,  
Such as the present gives, and will not wait!”

He had that noble daring that knows that the path of difficulty and present peril often is the only one that leads to permanent success. He risked a Bunker Hill in 1888. Our defeat there has given us a Saratoga in 1890. It insures for us a Yorktown in 1892.

Cleveland responded to the toast. “The Campaign of Education. Its Results a Signal Tribute to the Judgment of the American People.” As he rose, the enthusiasm was boundless. It was many minutes before the cheering subsided and then he spoke:

I suppose I have a correct understanding of what is meant by “The Campaign of Education.” Assuming this to be so, I desire, before going further, to acknowledge the valiant service in this campaign of the organization whose invitation brings us together to-night. I may be permitted, I hope, to make this acknowledgment as a citizen interested in all that promises the increased prosperity of the country; and I shall also do so as a Democrat who recognizes in the principle for which the campaign has thus far proceeded a cardinal and vital doctrine of Democratic Creed. If I thus acknowledge the useful services in the Democratic cause of any who have not claimed long affiliation with my party, I feel that my Democratic allegiance is strong enough to survive such an indulgence in fairness and decency. I am too, at all times willing that the Democratic party should be enlarged, and as tending in that direction I am willing to accept and acknowledge in good faith honest help from any quarter when

the struggle is pending for the supremacy of Democratic principles. . . .

Nothing in the whole speech throws more light upon the political history of the time, than Mr. Cleveland's discussion in a humorous way of some of the criticisms that had been passed upon his tariff message of 1887:

But even in this unpromising field we are able to report progress. No one who remembers the hilarity with which the leaders of the Republican party greeted the message of tariff reform, and the confidence with which they prepared to meet and crush the issue presented, can fail to see how useful a lesson has been taught them in our Campaign of Education.

Within twenty-four hours after the submission to Congress of the question of the tariff reform, sundry senators and representatives belonging to the Republican party were reported to have jauntily ventilated their partisan exultation in the public press.

If it be true that the Senator from Nebraska said, "It is a big card for the Republicans," this big card cannot appear remarkably useful now, for his State to-day contains a big curiosity in the shape of a Democratic Governor-elect.

If the junior Senator from New York (Platt) declared that his party would carry this State by the largest majority ever known if they could be given the platform proposed, the reply will come when in a few days a Democratic colleague is placed by his side (Hill).

If the Senator from Maine declared, "It is enough platform for the Republicans—we want nothing better," how is it that he is so diligently endeavoring to find out the meaning of the word "Reciprocity?" . . .

If a Senator from Wisconsin gleefully said he was glad to see us "show our hand," he cannot fail to be convinced when he soon gives place to a real sound Democrat (Vilas), that there was after all, more in the hand than he cared to see.

As our campaign has proceeded, other unusual symptoms

have been apparent among those prominent in directing the opposition. Some of them have become insubordinate and discontented, and at times actually disobedient to party orders. Some have left the ship. One shrewd and weatherwise navigator has clambered off, and in a frail bark with the word "Reciprocity" appended on its front was last seen hovering near prepared to climb aboard again or sail away as winds and wave would appear to make most safe. At the present stage of the campaign the unwieldy party hulk of Bourbon Republicanism is still afloat, but damaged and badly leaking. On board, some are still working at the pumps against the awful odds of opening seams; many mutinous and discontented, short of provisions and of grog, are loudly and angrily disputing as to whether bad seamanship or overloading is the cause of their wretched plight, while accusations of guilty responsibility are heard on every side. If from this turbulence, there shall emerge any who, actually pricked in conscience, desire a better life they will be gladly welcomed. . . .

Let us not fail to realize the fact that our work is not done. Our enemies are still alive and have grown desperate. Human selfishness is not easily overcome, and the hope of private gain at the expense of the masses of our people is not yet abandoned. . . . As the people have trusted us, let us above all things be true to them. Let the light of our campaign be carried into every part of the land where it has not been seen, and where it has been kindled let it keep brightly burning, still showing the way to better days for the people, and disclosing the plans of insidious foes.

In years to come when we look back with patriotic satisfaction upon our participation in the glorious struggle for tariff reform and recall its happy termination, it will delight us to remember every incident of discouragement as well as of triumph in the people's cause. Then when we are asked to speak of our proudest political endeavor, and to give the best illustration of American intelligence, and to pay the highest tribute to the judgment of the American people we will rehearse the history of the grand result of "The Campaign of Education."

The applause which greeted the conclusion of this speech was as enthusiastic as that which welcomed the orator on rising. Then I presented to Cleveland on behalf of the Reform Club and the lawyers of the United States, in recognition of his distinguished services in the cause of reform, a massive silver cup. On one side was a representation of Thomas Jefferson's mill; on the other a representation of his residence. It was one of a set which was made for presentation to Jefferson on behalf of the Jeffersonian Democrats of his day. Jesse Metcalf of Providence had become its owner and gave it to the Committee to present to Cleveland.

## CHAPTER VIII

### TARIFF REFORM, 1877-1887

Unnecessary taxation is unjust taxation.—*Grover Cleveland.*

ON the eighteenth of May, 1877, a meeting was held at the house of Francis O. French, in New York City, for the purpose of organizing a Free Trade Club in New York. French was a classmate of mine at the Harvard Law School. He did not long continue in the practice of law, but had become a successful banker. At this meeting the Club was organized. Mr. French was elected its first president. George Haven Putnam, who was well known as a Republican free trader, was elected a member July 12, 1877. The same evening, I was elected to membership. The Club was incorporated February 7, 1878. Mr. French, Mr. Putnam, Charles H. Marshall, Mahlon Sands, Edward Tuck, Anson Phelps Stokes, Abram S. Hewitt, Watson R. Sperry and myself were among the incorporators. We soon formed a class of non-resident members. Among them were Charles Francis Adams, Jr., Senator Bayard, Henry Ward Beecher, Montgomery Blair, Francis W. Dawson (the editor of the *News* and *Courier* of Charleston, S. C.), William Endicott, Jr., Prof. Henry W. Farnam, my old professor Wolcott Gibbs, Randall Gibson, President

Gilman, Frank H. Hurd of Toledo, Ohio, L. Z. Leiter and Cyrus H. McCormick of Chicago, Hugh McCullough (late Secretary of the Treasury), Andrew McLean of the *Brooklyn Eagle*, Prof. A. L. Perry of Williams College, Prof. W. G. Sumner of Yale, J. Randolph Tucker, Senator Vance of North Carolina, Francis A. Walker, Henry Watterson, David A. Wells and Prof. Theodore S. Woolsey.

We at once engaged in an active campaign for tariff reform. We circulated pamphlets in the most promising fields, which we thought to be in the Western farming districts. Our Secretary, Graham McAdam, prepared a clever pamphlet, "The Protective System—What It Costs the American Farmer." Of this a newspaper edition was first issued, paged on one side of the paper only for convenience of clipping and a copy was sent to every newspaper in the Western States, in number four thousand. Many of these reprinted the whole pamphlet. Others gave extracts or used the material editorially. Some German newspapers printed a translation in serial form. We followed this newspaper edition with one for general readers.

During the election of 1880 an active contest on the tariff was carried on in congressional districts in Kansas, Minnesota and Massachusetts. We supported the Democratic candidates in these districts. When the question of the Navigation Laws was pending in Congress we sent a copy of Captain Codman's tract on free ships to every member. We made it part of our business to supply material to those who were debating the subject or writing for the newspapers.

We had for our motto the Scriptural phrase, "The field is the world." We did not advocate the repeal of the tariff. That was not our view of the meaning of free trade. We did advocate "the formation of a public opinion that will secure congressional action toward freedom of commercial intercourse." We declared in our statement of principles:

That the only tax on imports which should ever be permanently tolerated by a free people is a Tariff for Revenue only.

That the greatest burden now borne by the American people is the unjust, unequal and iniquitous system of taxation called a Protective Tariff.

We therefore demand the immediate and gradual reduction of existing import duties, to be steadily continued until every feature, which gives a bounty to the producer at the expense of the consumer, is eliminated.

In 1883 I succeeded Mr. French in the Presidency of the Club. On November twenty-second of that year we held at the Cooper Institute, New York City, a public meeting. This declared "in favor of an immediate reform in the tariff." Henry Ward Beecher presided and delivered an address. Addresses were also delivered by David A. Wells and Henry A. Watterson. The hall was crowded and the meeting was enthusiastic. The orators were varied in style and each in his line effective. Wells put the argument clearly when he said:

Our power of production is far in excess of our power of consumption and we have so far restricted the power of consumption by unequal, unwise laws that we are not far from the verge of great social disturbances likely to arise therefrom.

This fight is the people's fight and all that is necessary to do is to awaken public interest fully concerning it, and the cause is won.

Mr. Beecher declared that the same energy and the same agitation which were employed in the anti-slavery struggle must now be resorted to, "for this whole system against which we are now protesting was like the other, founded first in mistake, enlarged by deception, and at its bottom lay the root of all evil, selfishness."

The Democrats carried the congressional election in 1882. When Congress met after this election, President Arthur urged a reduction of the tariff, particularly on iron, steel, sugar, silk and cotton goods, on the ground that the existing tariff was unjust and unequal.

The Club had succeeded in developing among the manufacturers, particularly those of New York, a sentiment in favor of tariff reduction and of free raw material. This was one of the points that we pressed with the greatest vigor. In February, 1883, we promoted the calling of a meeting of manufacturers at Cooper Union, to consider the report of the Tariff Commission. This was in reply to a previous meeting in the same place which had been organized by the protectionists. Mr. Evarts had spoken at this meeting and declared "that we have no distinctions under our institutions except such as each man makes for himself." To this I made answer at the manufacturers' meeting:

That is what we all think ought to be, but our complaint against the tariff system and the changes proposed by the Tariff Commission is that it does not follow the line Mr.

Evarts laid out. The radical defect in the tariff is that it does discriminate in the favor of one class and against another class.

I pointed out how the imposition of a duty on copper ore had broken up a profitable trade between the United States and Chili. Copper could no longer be imported at a profit, smelting works in New York which had smelted copper ore were closed, Chili bought of England instead of the United States; and I quoted Daniel Webster's famous question: "whether nations become prosperous in the ratio in which their intercourse with each other is abolished?"

Thomas G. Shearman, of Brooklyn, had become one of our most effective supporters. He was a lawyer in large practice, but he felt it his duty to give much time to public affairs. He attributed his conversion to free trade principles to reading protectionist editorials in the *New York Tribune*. At this meeting he pointed out how the tariff discriminated in favor of raw materials at the expense of finished manufactures. A letter which Abram S. Hewitt wrote about the same time furnished us with most effective material, and his arguments are just as telling to-day as they were in 1883.

Localities in which iron cannot be made cheaply are yielding to the superior advantages of other regions in this country where the conditions of manufacture are more favorable. No addition to the tariff can prevent this competition or interfere with the inevitable result of driving inferior concerns out of existence. The process is disagreeable, but it is necessary and healthy. Cheap food, cheap fuel and cheap iron are the essen-

tial elements of growth and prosperity in any nation, and without them no nation can be great and free. The interest of the American iron master, therefore, is not to devise methods by which iron may be made dear, but to find out how it may be made cheap, and if there be anywhere an unnecessary impediment to economy and reduction of cost, it should be promptly removed. The duties on iron and scrap iron are purely obstructive and unnecessary impediments to the cheapening of the cost of iron, and they should be at once abolished. . . .

I should be ashamed as an iron master and as a Representative to ask the people of this country to indemnify me against my folly or against the inevitable and healthy progress of the age.

Among the congressional champions of the free trade cause two of the most effective and intelligent were Mr. Hewitt and Samuel S. Cox. Cox was for many years a member of Congress from Ohio. He was such a skillful debater and parliamentarian that the Republican party in Ohio felt it necessary to get him out of Congress and accordingly gerrymandered his district so that he could not be elected from Ohio. Under our American system (which in this respect is unlike that of any other civilized country) it is expected that a member of Congress should reside in his district. The Constitution requires that he should reside in the State from which he is elected, but the district system is a matter of precedent. The Democrats felt that they could not afford to lose Cox from Congress. One of the best things that Tammany Hall ever did was to offer to nominate Cox from one of the New York districts if he would come to that city to reside. Accordingly he came to New York, was elected to Con-

gress, and served there as a New York member until his death.

An important accession to our ranks was Jacob Schoenhof. He was a manufacturer and made a special study of the subject of wages, and of the effectiveness of American labor. E. H. Van Ingen, of New York, was the first person who drew my attention to this, and I also made a study of it. Mr. Schoenhof's book on the *Economy of High Wages* was published about this time and became a text book. We were able to show that two Republican magnates had taken the same ground at a time when the relation of this particular subject to the tariff was not distinctly perceived.

Mr. Evarts, May 17, 1879, transmitted to Congress the reports of the American Consuls on the state of labor in Europe, and made this summary of them:

The average American workman performs from one and one half to twice as much work as the average European workman. This is so important a point in connection with our ability to compete with the cheap manufactures of Europe, and it seems on first thought, so strange that I will trouble you with somewhat lengthy quotations from the reports in support thereof.

Within the last fifteen years we have demonstrated our ability by the brilliant development of our own resources to exclude, by honest competition, foreign manufactures, to a large extent, from our shores. The question which now peremptorily challenges all thinking minds is, how to create a foreign demand for those which are left after supplying our home demands? We cannot stand still, for the momentum of increase will become so great that it will push it outward anyway. To push us safely and profitably is of so much importance as to almost overtop all other public questions of the hour. This question appeals equally to the selfishness and

patriotism of all our citizens, but to the laborer it appeals with tenfold force, for without work he cannot live, and unless we can extend the markets for our manufactures he cannot expect steady work, and unless our manufactures can undersell foreign manufactures we cannot enlarge our foreign market.

The first great truth to be learned by our manufacturers and workingmen is, that the days of sudden fortunes and double wages are gone. We must realize the fact that ocean steam communication has annihilated distance, and brought the nations face to face. This drawing together of the nations means equalization in trade, profits, wages, etc.; the advantage being with those who soonest accept the situation and show the most sensible continuity in the new paths of success.

James G. Blaine succeeded Mr. Evarts as Secretary of State. In a report made to Congress June 25, 1881, he said:

Undoubtedly the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter, and their longer hours of labor.

When the Congress, elected in 1882, met in December, 1883, John G. Carlisle was elected Speaker. William R. Morrison of Illinois became Chairman of the Ways and Means Committee. A bill for tariff reform was introduced.

The New York Free Trade Club gave a dinner at Delmonico's on the fifteenth of March, 1884. The great speech of the evening was made by Mr. Carlisle. He was received with enthusiasm. He pointed out how in the old confederacy each State had the right to levy duties on products of other States, and did exert this power.

The framers of the Constitution believed that absolute free trade between the several States was imperatively demanded

by the interests of the people. . . . The most ardent advocates of the protective system will admit that the wonderful growth and prosperity of this country are attributable to this provision more largely than to any other one thing.

What a different picture this country presents from what it would have presented if the policy of restriction and protection had prevailed among the States as it has prevailed for so many years between the United States and foreign countries.

Professor Sumner of Yale made an effective speech at this dinner. He was an athlete in appearance and in argument. Always clear and logical, he struck straight from the shoulder. His subject that evening was: "The Fallacies of Legislation." One of the best points he made was this:

Every time we have an inquest at Washington I always think of the witnesses who never appear. Let us suppose that some of your grave gentlemen of Washington are assembled in Committee to consider the interest of the wool man and the iron man and the glass man and all the rest of them, and in comes a seedy looking man who says, "I am a school master; I learned to teach Greek; Greek is going out of fashion; boys don't want to learn Greek any more, and that is what I learned to teach. And now I can't support my family—I can't support the horse car or any of the great industries of the country. Now I want you to put me in the bill that you are preparing for the relief of all the people. I want you to put in a clause providing that neither the lawyer nor the doctor nor any other professional man can pass his examination unless he learns Greek. Then they will all come to me, and I will become rich and can support the horse cars and all the other institutions of the country." I suppose they would laugh at the poor fellow, and say, "He has got very few votes."

Now the door opens and there comes in another man; another of those witnesses who never appear, but the grandest

witness of all. He is seedy too. He looks as if he had worked hard and been poor all his life, and he says: "Gentlemen, I never came before this Committee before, but I thought I would come down to see you. I have been reading Horace Greeley's words, wherein he proves that you have been doing all these things on my account. I am a farmer. I am told that if I help to increase the price of a yard of cloth, the cloth-man will come to me and buy two bushels of wheat instead of one. Now, the more I think of it the more I believe that I give two bushels of wheat for one yard of cloth! I've made up my mind that anything that anybody gets comes out of somebody else, and I've begun to think that I'm the somebody else!"

One of the most effective allies in the West was the Iroquois Club of Chicago. Senator Bayard spoke at their annual banquet in April, 1883; in 1884 they had another at which I made an address in which I insisted upon the effectiveness of the American workman and showed that his larger wages were due to the greater effectiveness of his work. The protectionists had published lurid accounts of the distress that prevailed among the men and women that made nails in the black country in England and argued that this distress was caused by free trade. I showed that those people worked by hand and that it cost more, even at their low wages, to produce a pound of nails in England than it did to produce a similar pound in Pennsylvania, where nails were made by machinery.

Tammany Hall came to the support of the good cause. In March, 1884, a meeting was held in the Wigwam and the passage of the Morrison Bill, which was then pending in Congress, was earnestly recommended.

Notwithstanding these efforts we could not pass the

bill. The vote was taken in the House on the sixth of May, 1884. Mr. Converse moved to strike out the enacting clause and the motion was carried by a vote of 156 to 151. Forty-one Democrats voted with Mr. Randall in the majority; of these 12 were from Pennsylvania, 10 from Ohio and 6 from New York.

During 1884 tariff reformers were active throughout the United States. On the twenty-ninth of April, the Massachusetts Tariff Reform League was organized. The object of the League was to enforce the following views:

1. The present enormous surplus in the national revenues above the public requirements is demoralizing and dangerous, and should be cut down by removing the burden of taxation from the necessities of life, and not from whisky and tobacco.
2. The policy of taxing imports, not for revenue, but for the purpose of obstructing trade, is unsound, and well considered but decisive action looking to its ultimate abandonment should not longer be deferred.

Charles Francis Adams, Jr., was elected President. Among the Vice-Presidents were Henry L. Pierce, Leverett Saltonstall, William Endicott, Jr., Charles R. Codman and Patrick A. Collins. Henry Lee (who gave the statue of Alexander Hamilton to the city of Boston which now stands on Commonwealth Avenue) was the Treasurer. This League did excellent work in Massachusetts.

In June, reformers from all parts of the State of New York organized a New York State Revenue Reform League. It declared:

That the only tax on imports which should ever be tolerated by a free people, is a tariff for revenue only.

That the greatest burden now borne by the American people is the unjust and unequal system of taxation called a protective tariff. This tariff levied upon nearly four thousand articles is a masterpiece of injustice, inequality and false pretense. By seriously injuring many industries, it has reduced the wages of labor, while increasing the cost of the necessities of life. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the scale of American manufacture at home and abroad, and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, wastes the fruits of labor, promotes fraud and fosters the growth of monopolies.

By this time the Republicans had nominated for President, James G. Blaine. The first protest was in Boston on the 8th of June. The Massachusetts Reform Club had a full meeting that day. Many old Republicans were present. Among them were T. Wentworth Higginson, Archibald M. Howe, Richard H. Dana, William Everett and Moorfield Storey. The Christian ministry was represented by Rev. James Freeman Clarke. The Club passed the following vote:

That the Massachusetts Reform Club regards the nomination of Messrs. Blaine and Logan by the Republican party as a distinct and unqualified repudiation of all its professions of reform and as an insult to the conscience of the country, and that the members of the Club will under no circumstances support them.

When the Democratic Convention met at Chicago on the sixteenth of July, it was understood that the campaign would largely be one of personal fitness and honest

administration. Nevertheless, the Democratic platform, which was reported by William R. Morrison, declared in the words of Grover Cleveland:

"Unnecessary taxation is unjust taxation." We denounce the Republican party for having failed to relieve the people from crushing war taxes which have paralyzed business, crippled industry, and deprived labor of employment and of just reward.

All taxation should be limited to the requirements of economical government. The necessary reduction in taxation can, and must, be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be able to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

Sufficient revenue to pay all the expenses of the federal government, economically administered, including pensions, interest and principal of the public debt, can be got, under the present system of taxation, from custom house taxes on fewer imported articles, bearing heaviest on articles of luxury, and bearing lightest on articles of necessity.

The Republican plank on the difference in the cost of production which was promulgated in 1908 was a repetition of this Democratic plank of 1884. Thus parties progress.

[The presidential campaign of 1884 was a campaign upon the personal merits of the two candidates.] Nevertheless the tariff reformers did all in their power to enlighten the American people on this subject. As usual David A. Wells was our most logical advocate. His homely illustrations were always telling. In an open

letter to Senator Hoar, published on the 29th of August, he put clearly the argument that we were presenting all over the country, that the duty on the materials which enter into the construction of our finished products so much enhanced their price that it prevented our manufactures from getting a foreign market. An immediate controversy turned on a statement by President Eliot, that a desirable market "for American carriages in Australia had been lost or impaired by reason of the tariff taxation imposed upon the constituent materials which enter into the construction of carriages."

Senator Hoar, of Massachusetts, answered with the usual protectionist argument that a drawback is allowed which makes amends to the manufacturer for the duty paid on his material. To this Wells replied that this drawback, where it was beneficial to the manufacturer, worked to the detriment of the American people. The Brooklyn Cordage Company, which made cordage exclusively of imported hemp, was thus enabled to export cordage to China, India and Brazil and sell there in competition with the world at a much less price than it could sell in America, because here it had to pay a duty of \$25 a ton on hemp. He then added:

On the other hand, when the American manufacturer produces a complex product, into which many articles of different nature and origin, some foreign and some domestic, enter—as in the case of carriages—it is almost impossible for him, unless he imports direct, which few do, to obtain any drawback whatever, because of his inability to make oath as to the exact origin and cost of the different materials which have been incorporated into the finished product, and which

he desires to export, and hence it is, that the now boasted drawback provision has become so far a nullity that out of a customs revenue in 1883 of \$210,000,000, only some \$2,000,000 were returned as drawbacks; and only an almost infinitesimal part of this latter sum was drawback on imported materials entering into goods composed of a variety of material of both foreign and domestic origin, such for example as carriages. I submitted this point to one of the largest exporters of American manufactures,—for I desire to say right here, that I have not ventured to give this letter to the public in the midst of a political campaign without previously consulting some of the best manufacturers of New York and New England,—and here is what one of them writes:

"I know of no manufacturer of any merchandise, that consists of a variety of materials, foreign and domestic, who attempts to get a drawback of duties, on such of his goods as he sends to foreign markets. They cannot so swear to the foreign origin of their material, unless they import it themselves, and this few do.

The Democrats carried the election. Grover Cleveland was inaugurated March 4, 1885, and Daniel Manning, of Albany, New York, became Secretary of the Treasury. The campaign for tariff reform continued vigorously. In July, 1885, Mr. Manning sent a circular to manufacturers asking for information as to the relative cost of manufacture of the same article in the United States and in Europe:

Particularly with regard to the cost of labor as affected by the rate of wages paid in the different countries. State how much the cost of the given unit of production has increased in the United States as compared with European countries by reason of the difference in wages paid and the rate of interest on capital employed.

In October, 1885, a Connecticut Tariff Reform League was organized in New Haven. J. B. Sargent, the great hardware manufacturer of New Haven, became President, and James L. Cowles, of Farmington, its Secretary. David A. Wells, Professor Farnam, Mr. Sargent and Aretas W. Thomas, a manufacturer of Waterbury, were with others appointed delegates to a National Tariff Reform Convention to be held in Chicago.

This convention, assembled in November, 1885, was largely attended and produced a profound impression. David A. Wells was elected President of the National League which was formed. Thomas G. Shearman was Chairman of the Executive Committee, and R. R. Bowker, Chairman of the National Committee. He became Secretary of the League. Rowland Hazard of Peacedale, R. I., wrote an important paper, in which he maintained the proposition, which I have often heard him discuss, that a high tariff on wool does not benefit the wool grower. The principle which I heard that leader in wool growing, my grandfather, William Jarvis, maintain, that whatever is good for the manufacturer of wool is good for the grower of wool, who supplies him with his material, is fundamental. As Mr. Hazard pointed out:

The tariff of 1867 was passed to encourage wool growing and to foster wool manufacturing. Its terms were settled by a convention of wool growers and wool manufacturers. It was expected to raise the price of wool and the price of goods and it was particularly expected to increase the growth of wool. None of those results followed the enactment of this tariff. . . . Under the fostering care of the tariff, production of wool in the United States absolutely declined, or did not increase for six

years. The country grew and expanded in all other directions, but its wool industry stood still.

A public meeting was held in connection with this Chicago convention at Central Music Hall, which was filled to overflowing. David A. Wells expressed his subject—"Free trade rational and practical. Protection irrational and mischievous." Perhaps the most effective statement in his address was his reply to Governor Long:

The fallacy of the claim of ex-Governor Long that to protection nearly all our great branches of domestic industry owe their existence is proved by the existing condition of the ship building and ship owning interests and the business of wool growing and wool manufacturing, both of which have been protected till they are now nigh unto death's door. The flag of our mercantile marine has almost vanished from the ocean.

When Mr. Beecher arose he was greeted with applause. He was our most effective orator. The statue in front of the Brooklyn City Hall is a good portrait statue, but it lacks the life which St. Gaudens put into the Farragut that stands in Madison Square. If the observer has imagination enough to see that figure of bronze inspired with life, speaking with animation, using frequent and graceful gestures, with melodious voice of great compass, penetrating to the farthest portion of the hall and heard as distinctly there as in front of the platform, he can form some impression of the great orator who pleaded the cause of free trade. Doctor Lyman Abbott likens his oratory to that of Daniel Webster, and I agree that as Webster was the greatest American orator of his generation, Henry Ward Beecher was in his.

Liberty [he said] has advanced from liberty of thought to liberty of speech, and thus must lead to liberty of action. Our liberty of speech in favor of the removal of obstacles to commerce will lead to action and that will eventually succeed. Protection is the jugglery of the devil. If politicians were statesmen, protection would die a natural death in spite of the devil. But politicians are not statesmen. They are vote-mongers. When Mr. Seward was Secretary of State, and rang his little bell and ordered this man to be imprisoned and that newspaper to be suppressed, it was said that such was the necessity of war. I thought so, at the time, but I have come to believe that no country is less fitted for a paternal government. As the Secretary of the National Labor Organization has said: "A paternal government is an infernal government."

The Secretary of the Treasury, in his report of December, 1885, pointed out in vigorous language the inequality and injustice of the existing tariff, and especially of the taxes on raw materials, which subjected them to a hopeless competition with other manufacturing nations, none of which tax raw materials. The arguments of tariff reformers have been effective on this point. The McKinley and Dingley tariffs both removed many of the duties on raw material which existed in 1884, and enlarged the free list.

When Congress met in December, 1885, William R. Morrison of Illinois, who had been one of the delegates at large from that State to the Democratic National Convention, was again appointed by Mr. Carlisle, Chairman of the Committee on Ways and Means. This Committee introduced its bill on the fifteenth of February, 1886. It proposed a large extension of the free list, and a substantial reduction of the duty on lumber, cotton and metals. It took off twenty per cent. from the duties imposed on sugar,

"inoperative as to sugars from countries laying export duties," and made a substantial reduction in duties on wool and woolens. But the Democratic majority in the House was small and there were enough protectionist Democrats to defeat the bill, notwithstanding the party pledges and the recommendation of the President and Secretary of the Treasury. On the seventeenth of June, Morrison moved that the House go into Committee of the Whole on the revenue bill. On this motion he demanded the yeas and nays, and McKinley, on behalf of the opponents of the bill, joined in the demand. The motion was lost, yeas 140, nays 157. Four Republicans, Darwin R. James, of New York, and three from Minnesota, voted for the motion. Thirty-four Democrats voted against it. Among those were Randall of Pennsylvania, General Viele and Tim Campbell of New York. Among the ayes was the speaker; also Perry Belmont of New York and the two Breckinridges, one from Arkansas and one from Kentucky. They were both staunch tariff reformers and eloquent advocates of the good cause. Crisp, of Georgia, who was afterwards to become Speaker, also voted in the affirmative. Notwithstanding the arguments of the Free Trade Club and the Tariff Reform League, the politicians of New York were too much for us and the majority of the New York delegation were against the bill. Mr. Hewitt made the following statement for the press:

I am thoroughly indignant at the result, though I expected it. The motion was only to consider a tariff bill, not to pass one. It was subject to amendment. The refusal of Democrats to vote for its consideration was a gross violation of their

own pledges and repeated pledges of their party. The vote is a repudiation of pledges given by both parties that the tariff question should be settled. The issue presented was not the tariff bill, but whether we could consider the tariff at all. So far as the Republicans were concerned they were united practically in their opposition to consideration, showing that their platform was a case of false pretenses. On the other hand the large majority of Democrats are ready to fulfil the pledge of the Chicago platform. The bill, if considered, would have been open for amendment, and every Representative would have been free to oppose any provision that was objectionable to him. So far, therefore, as Democrats voted against consideration of the bill, they, equally with the Republicans, were untrue to the pledge of their party, and the responsibility must rest upon them to be settled with their constituents.

The tariff reformers were not discouraged. We realized that a country that had been fed with the plausible protectionist argument for so many years was not to be speedily converted. We kept at work and began our preparations for the congressional campaign of 1886. In August the Tariff Reform League had an important conference in New York City and adopted two resolutions which I quote, because, unlike some resolutions, they express what we actually did after they were made:

**RESOLVED**, That we urge all revenue reformers, whether looking to the formation of a new party or the final triumph of their cause through one of the existing parties, to concentrate their present force upon the election of Congressmen, the necessary first step in either direction. We advise therefore (1) the election of avowed tariff reformers, where possible, whatever their party name; (2) independent organization and a conscience vote for a third candidate; (3) the "scratching" of protectionist candidates where positive action is impracticable and the use of all honorable means to deter others

from a protectionist vote, according as one or the other course of action commends itself to the free-traders of the district concerned.

RESOLVED, That we appeal to our representatives in the present Congress to present and insist upon the consideration, during the short session, of separate and successive bills to remove the tax upon the respective materials which are the food of great industries and reduce the duties upon the products of those materials—expressing our willingness to abide by the results of the removal of the duties on such staples as pig-iron and wool, as the best evidence in regard to further steps toward freedom of trade.

Mr. Wells was still President of the League. Thomas G. Shearman had become Chairman of the Executive Committee and H. J. Philpott was our Western Secretary at Des Moines. He published there a newspaper which he called the *Million*, which was the national organ of our cause, and which was widely circulated with good effect. My own judgment in the matter was expressed in a statement which I gave in August to the *New York Star*:

It is certainly in our power to settle this great question, now and forever. There are over fifty congressional districts where a change from 100 to 500 votes will turn the scales either way. We can easily hold our own in those districts which already belong to us, and by carrying a few only of the others, we shall have a majority in the House.

One of the favorite arguments of the protectionist Democrats at this time, of whom the *New York Sun* was perhaps the leading organ, was that the internal revenue taxes should be reduced or repealed before any reduction was made in the tariff. Mr. Carlisle, in the course of the campaign, made this terse reply:

Reduction will come upon the tariff and not upon internal revenue, for it is plain to my mind that no political party of this country can afford to take the position that whisky and tobacco and beer shall be free while a tax remains upon the people's clothing and implements of trade. People won't stand for it.

During the congressional campaign of 1886 there were effective reform organizations in Massachusetts, Connecticut, New York and New Jersey. We kept in touch with the labor unions, promoted the passage of resolutions by them in favor of free raw materials, and offered "to every labor organization which will circulate the books a working man's economic library, which will show them the desirability of revenue reform and help to true views of the labor question." [At this time the official ballot had not been adopted in this country. Every organization that wished to put a ticket before the people had to print its own ballots. This was a burden upon their treasury. But it had one advantage as compared with the system of an official party column that has been adopted in most of our States, which enables a voter to vote a straight ticket by marking under the party emblem. It was much easier for an independent voter to make up his ticket at home, and then take to the polls what was known as the "vest pocket vote," than it is now where all the splitting has to be done in the booth.]

One of the friends whose letters were most helpful in the campaign was J. S. Moore, the so-called "Parsee merchant." He had been in the East India trade, had studied the tariff thoroughly, and there was no man who

put the argument more practically than he. His letters were published in the New York *Times* and were widely circulated.

Our Free Trade Club made a vigorous opposition to those New York Democrats who had voted against the Morrison bill and succeeded in defeating some of them. In Massachusetts the tariff reformers elected from the Worcester district John E. Russell. He was a man of ability and convictions and had the courage of his convictions. In that great manufacturing district he pleaded successfully the cause of free raw materials. Charles R. Codman was one of our eloquent and effective speakers there. "It is this internal free trade," he said, "that stimulates production and raises wages, and yet the home market, great as it is, has proved itself insufficient for the unbounded energy and enterprise of the American people." He argued that the cost of production should be diminished by putting materials of manufacture on the free list. He showed the absurdity of the duty on lumber; that its direct effect was to hasten the removal of forests which were needed to preserve the fertility of the land and the flow of rivers. He pointed out that the artificial condition of American industry caused by the tariff, produced alternately overproduction and the closing of factories, the reduction of wages, lockouts and strikes.

There is a perilous strain to-day in the relations between capital and labor. Never in our history have industrial conditions been so disturbed. Never have there been such alarming contests between employer and employed. Does any reasonable man suppose that these constantly recurring disturbances

are the results of a blind chance and not of unjust and oppressive laws? Sooner or later the American people will take this matter in hand, will put an end to a system of taxation which neutralizes all their great natural advantages, whether of climate or soil or intelligence or enterprise.

In Massachusetts we had the support of President Eliot. In a letter read at a meeting of the Independents in October, 1886, he said: "I propose to vote the Democratic ticket as I have done ever since the Republican party nominated Mr. Blaine for President, and made a main issue of the policy 'miscalled protection'; and added finally:

I am an independent still. That is, a citizen who looks upon the political party solely as a means of promoting public principles and who will therefore act with any party only so long as it seems to promote those principles in which he believes.

One of the most effective meetings in New York was held in the Stewart Building on the thirteenth of October, 1886. John B. Sargent presided. In the list of those that were present I note the names of Ellery Anderson, William Dorsheimer, who was doing good service for us in the *New York Star*, and who had been Lieutenant-Governor of the State, Orlando B. Potter, who afterwards became an effective member of Congress from New York, Anson Phelps Stokes, J. M. Constable, Gustav Schwab, J. S. Moore, Charles H. Marshall and E. H. Van Ingen. Isidor Straus was conspicuous with his tall, slim figure and keen glance. He afterwards became a most useful member of Congress from New York City and in 1912 went down bravely with the *Titanic*, showing the same cheerful

courage then that he manifested throughout his long and useful life. I can never forget the merry twinkle in his eye, nor the patient resolution which never shrank from the hardest task. E. L. Godkin was there from the New York *Evening Post*, Thomas G. Shearman and myself with many others represented the Bar. Abram S. Hewitt made some personal references to his own work which ought to be preserved:

During the last session of Congress I found myself apparently unable to do the work I wanted to do, and I reluctantly made up my mind to retire from Congress, and leave to younger and abler men the task of fighting this battle. But when I recollect that in the next Congress this question must come to an issue—for it cannot be postponed any longer—it seemed to me that every man who had studied the subject, and who was primed, so to speak, with the necessity of reform, ought to be on hand and on guard, and I made up my mind to go back to Congress, to make a final effort, and to die, if necessary, in the struggle for that which I feel necessary for the welfare of this country. But one man can do but little. If New York had but seven men in the House as determined as I am, the voice of New York would not have been silenced as it was in the last Congress. I tell you, business men of New York, you want seven, live, earnest, intelligent men in Congress, and I would not allow those political parties to nominate any other men. If they nominate other men, I say, "defeat them at the polls." Put your wisest enemy in rather than a weak, inefficient, wavering revenue reformer. You know where to find your enemies. You do not know where to find your friends on such occasions.

This is the just and righteous indignation of a man who is in earnest and who confesses to you that he is a failure. Find someone else who can make this battle, but let it be a battle bequeathed from father to son until the victory is won.

In the course of the speech which Mr. Dorsheimer made he gave a graphic picture of the way in which some of the votes in Congress had been cast in the previous June.

When you came to talk to those gentlemen who voted against the Morrison bill—most moderate as it was—what was their answer? One of them said to me, “I am as good a revenue reformer as you are. I am a free-trader, but I had to trim on this matter in order to carry my district.” In other words a manufacturer in his district made an arrangement with him by which his influence was secured.

Another gentleman who now represents and desires once more to represent a district formerly represented by a distinguished Democrat—our present Minister to Turkey—turned to me and said: “Oh, I did not run upon the platform made in Chicago. I ran on a platform which I made myself for my own district.”

During the year 1886 tariff reformers kept up an active campaign. The Free Trade Club was hard at work; the Young Men's Democratic Club in New York City held meetings, circulated documents, sent letters to candidates for Congress. What we advocated especially was the doctrine of free raw material. We interrogated candidates for Congress on this point. All the New York Democratic candidates answered that they would support a revision of the tariff on this principle. Our New York delegation was on the whole satisfactory. We made one convert among the Republicans, Ashbel P. Fitch. He was a well known Republican and ran in opposition to General Viele. The latter had voted against taking up the Morrison tariff bill and had lost the support of many constituents. In his reply to our circular he declined to pledge himself to vote

for taking this up at the next session. Fitch gave satisfactory pledges to favor the reduction of the tariff and to vote for the reduction or repeal of the duties on raw material. We supported him and he was elected. He afterwards logically became a member of the Democratic party and was subsequently elected by it Comptroller of the City of New York.

The Massachusetts campaign on this same subject was very effective. William E. Russell (Billy Russell as he was affectionately called) was the leader in that Commonwealth. His charm of manner, his stirring delivery, his union of enthusiasm and good sense, his manly and noble character brought him into national prominence and (1891-1894) made him Governor of his native State.

In the same election we made gains in Minnesota and Michigan, and held our own in Iowa, the delegation from which had once been solidly Republican.

One of our best friends was General Joseph Wheeler of Alabama. He had been, during the Civil War, a brilliant cavalry leader in the Southern army, and President McKinley wisely gave him a commission as Major-General of Volunteers during the Spanish War. He was small in stature, with what Chaucer calls a "nut-hede," brilliant eyes, and a presence instinct with life. He was a staunch supporter of tariff reform in the House of Representatives. I must pause to relate an anecdote of the old warrior. When he lay dying he roused for a moment and said to the doctor: "Is the battle ready to begin?" The doctor thought he referred to the last struggle with mortality and answered: "Yes, General." "Then put some

cotton in my ears. I always do that before going into battle." The doctor did as he was asked, Wheeler rested his head on the pillow, and in a few moments passed away to the immortal life.

After the election and on the twenty-second of November, 1886, we gave a dinner to Jacob Schoenhof. He had been appointed by Cleveland Consul to Tunstall, England. When not occupied with the care of American commercial interests in the great manufacturing center in the north of England, he made a careful study of comparative wages in America and Europe. He found that in many branches of industry the cost of production in the United States was really lower than that in corresponding industries in England, though the wages were higher. I quote from a contemporary report of his speech:

The only advantages which he could discover foreign countries to possess over the United States in manufacturing were in the superior technical instruction which they gave their artisans, and which enabled them to produce finer qualities of goods than American factories had as yet sent forth. He humorously described his search for the barrels of British gold which he had heard the Cobden Club was sending over to this country to corrupt American politics, and break down the American tariff. Instead of discovering any interest among the English in the movement for the reduction of the American tariff, he found either total indifference to the matter or a strong hope that for the sake of English manufacturers the Americans would strictly maintain their tariff.

In 1886 Daniel Manning resigned his position as Secretary of the Treasury and Charles S. Fairchild succeeded him. In his report presented in December, 1886, he put the argument clearly as follows:

Our increasing capacity to produce an industrial surplusage has been accompanied by war taxation exactly suited to prevent the sale of that surplusage in foreign markets. Out of our actual abundance this war taxation has forged the instrument of our industrial and commercial mutilation. Defeating our manufacturers in their endeavor to compete abroad with the manufacturers of untaxed raw materials, it has set them on a ferocious competition at cut-throat prices in our own home market, to which they are shut up, and for which their producing powers are increasingly superabundant. Long periods of glut and so-called overproduction have alternated with brief periods of renewed activity and transient prosperity like the present. These prolonged war-tariff taxes, incompetent and brutal as a scheme of revenue, fatal to the extension of foreign markets, and disorderly to our domestic trade, have in the last resort acted and reacted with most ruinous injury upon our wage earners.

An official analysis of the last census discloses that of the 17,392,099 persons in the United States then engaged in gainful work (now 20,000,000) about 95% cannot be subjected to foreign competition, and about 5% are all who can be, or, rather, whose employers can.

On the other hand 19,000,000 persons paying nineteen twentieths of those tax increased prices, and paying also nineteen twentieths of any enhanced prices of the domestic product thus guarded against competition, were themselves engaged in other gainful work by its nature not subject to any foreign competition, and could therefore obtain no such incidental benefit, but only loss, by taxation.

And he pointed out as Cleveland did, in his message of 1887, the injury caused by the increasing surplus in the Treasury:

We held a mass meeting at Cooper Institute on the twelfth of January, 1887. I introduced Jackson S. Schultz as Chairman of the meeting. He was an old New York

merchant and one of the tariff-reform Republicans, whom we delighted to honor. He said:

I was present at the organization of the Republican party. My friends and I joined it as free-soil Democrats with all the free-trade heresies of that day and this. We joined hands for the purpose of securing free soil and to abolish slavery. That has been accomplished. My friends have steadfastly stuck to these free-soil principles, as we expected, but during the past few years the party they joined has been sticking into the platform planks of protection without the knowledge or consent of the free-soilers. We have never consented to these platforms. On these questions I stand before you a free man. I am a free-trader. I am in favor of a revenue tariff in contradistinction to a protection tariff. The one admits, the other excludes.

Captain Dawson, the editor of the Charleston *Courier* and one of our most effective friends in the South, made a capital speech. He talked to the South as well as the North and advocated, as Edward M. Shepard and I did: "Attack on a few points, instead of attacking along the whole line." He referred to S. S. Cox's success in securing and preserving, despite the report of the Tariff Commission, the repeal of what he called the "Blood Tax" on quinine. The protective system is founded on the suppression of natural advantages, on the denial of the enjoyment of the blessings that Providence has given the world in varied soils and varied skies. We greeted him with great applause, when he cried:

I am an American citizen! The South is ineffably dear to me. For four years I followed the starry cross of the Confederacy, in the Army of Northern Virginia, and like "the good old rebel" of the song

Got wounded in three places,  
And starved at Point Lookout.

South Carolina is dear to me, for there I have lived and worked for more than twenty years. But there is one feeling beyond all these, which amplifies them and intensifies them, which comprises them as the firmament above us holds in its bosom its myriads of shining worlds; and that is, that I am an American citizen—against my wish at first, I confess, but glorying in the fact; asking “no pardon for anything I have done,” but devoted, in soul and body, to the hopes, interests, and aspirations of this supreme Republic of Republics.

It is because I am an American—it is because the people of the Southern States are Americans—that I repudiate the notion that the Southern people are willing, or could be willing, to butcher the American people to make an industrial holiday for the South, or any part of it.

Allow me to say in conclusion, my fellow-countrymen, that if there was any lingering feeling of regret, any tinge of disappointment, any trace of bitterness, it was—at least so far as Charleston, as South Carolina, is concerned, dissipated, banished, blotted out forever, by your superb benevolence when Charleston encountered the novel horror of the earthquake, which was about the only form of calamity and trouble the everlasting city has not known.

At this same meeting Henry George, who had just been defeated as candidate for Mayor of New York, made a notable speech:

I do not believe labor needs any protection. Labor lies at the base of all wealth. What labor needs is not protection, but justice. It wants only fair play.

Henry George's newspaper, the *Standard*, was one of the most effective journals in the advocacy of free trade. His style was clear, his argument persuasive.

The tariff reformers carried the Democratic Convention held in Saratoga in September, 1887. The New York Democracy demanded that the federal taxation be straightway reduced by a sum not less than \$100,000,000 a year; that taxes on raw materials should be repealed or reduced; the free list increased, the tariff simplified, and the duties on the necessities of life reduced.

During this active propaganda no change had been effected in the tariff. Cleveland, who was then President, was one of the few public men who had an active and vigorous belief in economical administration, and who showed his faith by his works. The platform of the party had pledged him to it. He always kept his pledges. So far as economy was concerned he was seconded by his party in the House of Representatives. The result of this was that expenditures were kept within reasonable bounds. The revenue kept increasing and a surplus accumulated in the Treasury. Under the sub-treasury system which was adopted by the Democratic party in Van Buren's time because of the losses the government sustained by the failure of banks in the panic of 1837, this surplus lay idle. Accordingly Cleveland, after consultation with his Cabinet, determined to send in a message to Congress at the opening of the December session of 1887, which would deal exclusively with the tariff, with the necessity for its reduction, and with the baneful effect upon the business of the country of the surplus hoarded in the Treasury.

Many party leaders thought Cleveland's popularity and the success of his administration were such that the

party was sure of success in the approaching election, and urged Cleveland strongly not to send the message. His reply was characteristic:

I am here as the servant of the people, and I must do my duty to them. If they think it proper to elect someone else as my successor, that is for them to say. As long as I am President I must do my duty to them, and I feel that it compels me to send this message to Congress.

## CHAPTER IX

### TARIFF REFORM, 1888-1913

A liberal and free commerce will succeed to the devastations and horrors of war.—*George Washington.*

As the activity of the Free Trade Club, and other associations for tariff reform, increased, the Protectionist attacks became more vehement. The battle raged along the whole line. The reformers realized the necessity of more comprehensive organization. There were many friends of reform to whom the name of Free Trade was obnoxious. They thought it implied an immediate repeal of all tariff duties. Then there were other members of the Free Trade Club, notably R. R. Bowker, who were of opinion that it would be an advantage to organize a club which should deal not only with tariff reform but with other political questions. Accordingly, on the thirteenth of January, 1888, members of the Free Trade Club organized the Reform Club and in our constitution declared its purposes to be as follows:

The Reform Club is organized to promote honest, efficient, and economical government, and will welcome citizens who agree with its policy in respect to the tariff, as hereinafter set forth, including those who are yet more directly concerned in promoting a non-partisan civil service, sound currency, the

business administration of cities, or the improvement of electoral methods.

The Club has for its immediate purpose tariff reform by reduction or abrogation of so-called protective taxes, especially of those either so discouraging to imports as to yield to the Government but a small revenue when compared with the enormous subsidies thereby compelled to be paid by the people at large to the favored few, or so enhancing the cost of materials to our manufacturers as to bar them from the markets of the world.

Our first president was Anson Phelps Stokes, our secretary, Russell Sturgis. Edwin L. Godkin became chairman of the Committee on Civil Service Reform, R. R. Bowker of the Committee on Publication, and I of the Committee on Tariff Reform. We leased a house, 12 East 33d Street and provided the usual club facilities. The Tariff Reform Committee was divided into sub-committees, each of which dealt with a separate schedule, iron and steel, wool, cotton and the rest of them.

Meanwhile the Democratic tariff reformers had introduced a tariff bill in the House of Representatives which was reported favorably by Roger Q. Mills, of Texas, who had become chairman of the Ways and Means Committee.

The first battle of the new club was fought at the Tremont Temple, Boston, on the twenty-fourth of March, 1888. The Home Market Club in Boston was an active Protectionist association, and we challenged them to a joint debate upon the tariff. Benjamin F. Butterworth, a member of Congress from Ohio, and a reasonable Protectionist, was selected as their champion. He insisted

upon this form of the question: "Is the wage-earner benefited by the protective policy as embodied in the present tariff?"

When the evening came the great building was packed to the ceiling. It had been arranged that the tariff reformers should sit on one side of the house and the Protectionists on the other. Each speaker was at liberty to describe one side as that of the sheep or the goats, according to his own disposition.

In my argument, I began with a quotation from Daniel Webster:

The great interests of this country are so united and so inseparable, that agriculture, commerce, and manufactures will prosper together, or languish together. All legislation is dangerous which proposes to benefit one of these without looking to the consequences which may fall on the others.

I pointed out that the prosperity of the country was dependent upon the harmonious activity of different industries in different States and that free trade in the United States had been of the greatest possible benefit to the Union. I showed that wages depend upon three things: First, demand and supply; second, the cost of material; third, the efficiency of labor. The tariff diminishes the demand for labor, because it imposes burdens upon the material out of which American goods are made. The American mechanic is the most effective in the world, and, with his improved machinery, he need not fear foreign competition. To the somewhat hysterical argument drawn from the prosperity of the country, I replied that

under the Walker revenue tariff of 1846<sup>1</sup> the manufacturers of the country had prospered notwithstanding the gloomy predictions of the Whig leaders during the debate on that tariff.

The subject is still being discussed and it is worth while to recall some of the figures that I presented of the prosperity of the country between 1850 and 1860.

	<i>Per cent.</i>
Capital engaged in manufactures increased . . . . .	90
Wages of workmen engaged in manufacturing increased . . . . .	60
The miles of railroad built increased . . . . .	220
The value of farms increased . . . . .	103
And of live-stock . . . . .	100
Our national wealth as a whole increased . . . . .	126

During the ten years between 1870 and 1880 in which we felt the full effects of a high protective tariff,

	<i>Per cent.</i>
Capital engaged in manufacturing increased only . . . . .	32
Wages increased . . . . .	22
Mileage of railroads built increased . . . . .	66
Total national wealth increased . . . . .	40

In other words under a revenue tariff, capital engaged in manufacturing, wages, and national wealth all increased

<sup>1</sup> This tariff was the most simple and scientific that we have had for a century. In general it imposed low rates of duty on crude materials, or put them on the free list, made duties higher on goods requiring little labor for completion, and higher still on more complex products. For example, copper ore was free, copper in pigs paid a duty of five per cent., sheet copper, bolts, and screws, paid twenty per cent. No duties were prohibitory. Rates of duty on the necessities of life were low, ranging from five to thirty per cent.; on luxuries forty per cent.; on spirituous liquors one hundred per cent. At that time there were no internal revenue duties.

three times as much as under a high protective tariff; and railroad building increased four times as much.

I quoted from Mr. Sargent of New Haven, whom I had asked to send specimens of his goods to a foreign exposition. He answered:

The tariff prevents me from selling my goods abroad, and why should I send them my patterns. Give me free raw materials, and I fear no European competition. If I could get my materials free of tax, I would increase my wages, increase my production, and diminish the cost of my goods.

I showed that in every instance in which raw materials were free of duty, American exports of manufactured goods were large and increasing. Finally I made it clear that the export of cotton, grain, and provisions from this country was what had enabled us to hold our own under the existing protective tariff.

Our farmers have to compete with the worst paid labor in the world, with the Russian peasant and the Indian ryot; and yet they compete successfully in the markets of Liverpool and Paris, with the grain of Odessa and Calcutta. If you can give our manufacturers of iron, copper, nickel, tin, and wool the same free raw materials that the manufacturers of cotton, petroleum, and leather enjoy, they will need no other protection.

This debate was discussed in the newspapers all over the country. I was kept busy for a month answering criticisms which were made upon various statements. The Reform Club published my speech in a form that I suggested and which proved effective. We printed first the statements which the Protectionists had not

contradicted. These were really the important features of the whole address. We then gave the criticisms and my replies together with a summary of Mr. Butterworth's argument, which was that the protective tariff was necessary to equalize differences of cost of production between this country and foreign countries. His argument was that of the Republican party in 1908, when Mr. Taft was elected. If that party had honestly endeavored to make a tariff which should be limited to equalizing the difference in the cost of production between the United States and foreign countries, it might have remained in power. In an article published in the *Outlook* in January, 1909, I pointed out how this might be done and the promise of the platform fulfilled. The article was read and circulated, but it was unheeded. Like the fishes to whom St. Anthony preached:

The pikes went on stealing,  
The eels went on eeling,  
Much delighted were they  
But preferred the old way.

The Reform Club opened the campaign in New York on the thirteenth of April, 1888, by an address from James Russell Lowell. He had recently returned from London where he had served with great distinction as the minister from this country to Great Britain. His subject was: "The Independent in Politics." He quoted the eulogy passed by Edmund Burke upon the colonies in 1774: "Nothing in the history of mankind is like their progress."

Burke, with his usual perspicacity, saw and stated one and a chief cause of this unprecedented phenomenon. He tells us that the colonies had made this marvellous growth because, "through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection." But by that "wise and salutary neglect" he meant freedom from the petty and short-sighted meddlesomeness of a paternal government. He meant being left to follow untrammelled the instincts of our genius under the guidance of our energy.

The characteristic of American life, which is so dear to our people, was

that humane equality not of condition or station, but of being and opportunity which by some benign influence of the place had overcome them here like a summer cloud without their special wonder. Yet they felt the comfort of it as of an air wholesome to breathe.

These conditions led to

other results that left less salutary effects behind them. They bred a habit of contentment with what would do, as we say, rather than an impatience of whatever was not best; a readiness to put up with many evils or inconveniences, because they could not be helped; and this has, especially in our politics, conduced to the growth of the greatest weakness in our American character—the acquiescence in makeshifts and abuses which can and ought to be helped, and which with honest resolution might be helped.

And then turning to the subject of the tariff he said:

But the tendency of excessive protection which thoughtful men dread most, is that it stimulates an unhealthy home competition leading to over-production and to the disasters which are its tainted offspring; that it fosters over-population, and this of the most helpless class when thrown out of employ-

ment; that it engenders smuggling, false invoices, and other demoralizing practices; that the principle which is its root is the root also of rings, and syndicates, and trusts, and all other such conspiracies for the artificial raising of profits in the interest of classes and minorities. I confess I cannot take a cheerful view of the future of that New England I love so well, when her leading industries shall be gradually drawn to the South, as they infallibly will be, by the greater cheapness of labor there. It is not pleasant to hear that called the American System which has succeeded in abolishing our commercial marine. It is even less pleasant to hear it advocated as being for the interest of the laborer, by men who imported cheaper labor till it was forbidden by law.

This address was published and circulated broadcast.

We had another supporter, who has since become famous, Woodrow Wilson. In 1888 he wrote<sup>\*</sup>:

Probably a very considerable majority of the thinking people of this country are of the opinion that some sort of revision of our present tariff laws ought to be undertaken. These laws were passed under very exceptional circumstances; they are full of complexities and absurdities of the most irritating and unnecessary sort; and they yield a revenue greatly in excess of the needs of the Government, as well as at some points altogether unnecessary for purposes of protection.

The challenge which had been presented by the President was taken up by the Republican party. When their national convention met in the summer of 1888, they declared more boldly than ever for a continuance of the protective policy and the maintenance of the high rates of duty. They proposed to reduce the tariff by removing the duties upon articles of foreign production which cannot be produced in this country.

<sup>\*</sup> *The National Revenues*, edited by Albert Shaw, p. 106.

Cleveland's tariff message of December, 1887, was annotated by R. R. Bowker. It became our second document. We joined actively in the campaign of 1888, in which Cleveland was a candidate for reelection. We circulated 205,000 copies of this tariff message, and about 700,000 of various Congressional speeches on the subject. We secured special lists of about 300,000 voters in the State of New York, classified in the main according to occupation. In addition to this we obtained lists of doubtful voters and voters in various States who were engaged in carrying on manufactures. In sending literature to each voter on our list we endeavored to select what would be of special interest to him.

We published a periodical called *Tariff Reform*, of which 680,000 copies were distributed.

One of the most prominent accessions to our ranks in this campaign was Seth Low. In 1887 he had taken part in the State campaign on behalf of the Republican State ticket. He had expressed the hope that the Republican party would itself undertake the work of tariff reform. He was disappointed. In an address which he delivered before the Reform Club, October 17, 1888, he declared that he could not assent to the tariff doctrine of the Republican platform, and that the pronouncement of this doctrine made inevitable a campaign in which he could have "no share without the sacrifice of intellectual honesty." The platform contained "no admission of the necessity of reform in the tariff and no pledge to make such reform." He claimed that the system of protection had developed American industry to such a point that we no longer

needed the same high rates of duties that had been beneficial to us, and that "the aim of legislation should be to make our manufactories, as fast as possible, less dependent than now upon protection." This address of Low's made many converts among the Republicans.

One of our most important publications was *Friendly Letters to American Farmers*, by J. S. Moore. He dealt specifically and clearly with the effect of the tariff in raising the prices of the necessities of life, with salt, lumber, window glass, plaster, oil cloth, carpets, crockery, bagging, hosiery and clothing of all sorts. He prepared an effective table, giving a comparison of war duties between March 3, 1863, when "a million soldiers were in the field on both sides, and when American six per cent. gold bonds sold at fifty cents gold on the dollar," and "war duties in 1886, after twenty-one years of peace, when the surplus revenue had risen to \$100,000,000 and our four per cent. bonds sold at 124." The duties had largely increased, sometimes doubled, since 1863. He compared the duties on articles of luxury and on those of necessity, and showed the latter to be more than the former. He concluded the series as follows:

I challenge the journals who uphold our tariff system:

First. To print the above list, which represents the greatest legal swindle of the age. And,

Second. To explain and vindicate the injustice of retaining these enormous taxations. . . . Remember, further, that for the \$200,000,000 customs revenue that goes into the Treasury, you, my fellow citizens, pay at least \$1,000,000,000 into the pockets of monopolists every year.

On similar lines, Jesse Ryder, of Sing Sing, gave us an effective pamphlet: "An Object Lesson on the Tariff—What the Tariff Taxes Cost a Typical New York Town."

He took the town where he resided. He analyzed the goods that were purchased by the people there. He showed how much the cost of them was enhanced by the tariff and that this was four times as much as the Government received from taxes on the articles consumed.

In this campaign, as in many others, the eloquent voice of Carl Schurz was raised, both in German and English in advocacy of the principles of freedom which were precious to him. The statue on Morningside Drive, which was dedicated to his memory in June, 1913, shows him as he was.

Notwithstanding all our efforts, Cleveland was not elected in 1888. The popular vote for him was 5,586,242. That for Harrison was 5,440,708; a plurality for Cleveland of 145,534. But Harrison carried New York and Indiana. Their electoral votes turned the scale in the Electoral College. His plurality in New York was only about 14,000.

One of the greatest evils of a protective tariff is the conviction it fosters that individual prosperity depends upon bounties from government. The natural consequence is that many beneficiaries feel justified in the use of money to bribe voters and thus carry elections. A letter to one of the leading journals, from its correspondent in Indiana, describes the way in which the business was managed in that State:

None of us who were working the voters handled any money. Two men were given the bag to hold, and they went into an upper room which had been used for gambling and had a little wicket in the door. Once inside, they kept themselves out of sight. The workers handed the voter a ticket, and saw him give it to the judge of the election; then we gave the voter a little check with marks on it, which the two men in the gambling room upstairs would understand. The checks were little pieces of pasteboard. If we had bought a man for five dollars we put V on the check. If the price was ten dollars we put an X, and if it was twenty we put XX. The voter took the check upstairs, shoved it through the hole in the door, and got his money. The bag gave out in my place four times that day, and I went and got more money each time.

Mr. Dudley's circular to the election managers gave the following instructions (October 24, 1888):

Divide the floaters into blocks of five, and put a trusted man with necessary funds in charge of these five, and make him responsible that none get away, and that all vote our ticket. . . . There will be no doubt of your receiving the necessary assistance through the national, State, and county committees, only see that it is husbanded and made to produce results.

We obtained one of the original letters and I exhibited it at a public meeting at which Mr. Dudley was present on the platform. He turned pale and did not dare deny it.

These abuses were so gross that the public conscience revolted. The Democrats acquiesced in the declared result of the election. But public sentiment no longer tolerates such practices and the laws for their punishment are now enforced.

Nothing was done with the tariff during the winter session of 1888. Benjamin Harrison became President

on the fourth of March, 1889, with a Republican House and Senate. Congress met December 13, 1889. Thomas B. Reed, of Maine, was chosen Speaker, and William McKinley, of Ohio, was made chairman of the Ways and Means Committee. Two Republicans who afterwards were active in framing tariff bills, Nelson Dingley, of Maine, and Sereno E. Payne, of New York, were on this committee. The Speaker gave the Democrats good representation. John G. Carlisle, of Kentucky, Roger Q. Mills, of Texas, and Clifton R. Breckinridge, of Arkansas, were among the minority members. Hearings continued before the Committee until May, 1890. A bill agreed upon by the majority was reported on the sixteenth of April. It passed the House with a slight amendment and went to the Senate on the twenty-third of May. The Senate adopted 497 amendments. There was a conference. The Conference Committee report, which was adopted, in some cases imposed a higher rate of duty than either the House or Senate Committee had recommended. The bill was finally signed by the President on the first of October, 1890. Its principal feature was putting sugar on the free list and giving a bounty to the manufacturers of sugar. In general, rates were greatly increased.

The tariff reformers were not surprised at the form of the McKinley bill. It only stimulated us to fresh exertions. The members of the Reform Club by this time had so increased that we bought of Amos R. Eno the house in which he had resided on the northeast corner of Fifth Avenue and Twenty-seventh Street. We built an addition to this house at the eastern end, in the upper story of

which we installed our library. Here we gathered what was then the best collection of books in New York City on economic subjects, finance, the tariff, and municipal affairs. We succeeded in obtaining a complete set of *The Nation*. This periodical, of which E. L. Godkin was the editor, and which was afterwards merged in the New York *Evening Post*, had become the Reform organ. It stood for everything for which the Reform Club stood, and had a great influence throughout the country, quite disproportionate to its actual circulation.

One of the most important pieces of work we did in 1889 and 1890 was a poll canvass of the State of New York. We made a list of the voters, stating their party politics, occupations, opinion on the tariff, and whether or not each was a veteran or Grand Army man. We had on this list the names of 659,100 voters. The Reform Club was the only general bureau in America for tariff reform literature. This we issued in a semi-monthly periodical, known as *Tariff Reform*. We headed it with a quotation from George Washington which concluded as follows:

I indulge a fond, perhaps an enthusiastic idea, that as the world is evidently much less barbarous than it has been, its amelioration must still be progressive; that nations are becoming more humanized in their policy, and in fine that the period is not very remote when the benefits of a liberal and free commerce will pretty generally succeed to the devastations and horrors of war.

This was followed by an equally appropriate quotation from Cardinal Gibbons.

The successive numbers covered every subject connected

with the tariff that could interest voters. They dealt with United States tariff history from the beginning, discussed the growth of the protective policy, the position of Alexander Hamilton and Henry Clay, and the McKinley tariff. We gave a comparison, item by item, between the tariff of 1883, the Mills bill, and the McKinley tariff. We dealt with farming and the tariff, with dairy farming, with wool, small fruits, grapes, shipping and subsidies, iron and steel, tinned plate, copper and brass, salt, coal, sugar, pottery, glass, china, wall paper, brewing, bottling, hats, clothes, and finally with what we called "the drawback humbug." Then we had effective quotations from Republican leaders, amongst others, from two who are now in the Senate (1916), Henry Cabot Lodge and Knute Nelson. These numbers were mailed throughout the country and were used generally by the newspapers.

Early in 1890, under the chairmanship of E. Ellery Anderson,

the large meeting room on the second floor of Cooper Union, capable of seating about three hundred people, was secured for the purpose of a Tariff Reform School, the aim of which was, by addresses from those specially qualified to speak on specified subjects, to furnish an opportunity to those willing to take part in the discussion of tariff questions thoroughly to prepare themselves. At each meeting literature was distributed bearing upon the subject to be discussed at the following meeting.<sup>1</sup>

At the close of this series of meetings an organization known as the Workingman's Tariff Reform League was formed by those who had been regular attendants. We

<sup>1</sup> Report, 1890.

joined with this League and some Democratic and single tax organizations to secure the nomination of suitable candidates to represent New York City in Congress. We obtained the nomination and election of John DeWitt Warner by a large majority in the Eleventh District. Out of 179,583 votes cast for all the candidates for Congress in New York City (this was before the Consolidation) 136,106 were cast for Democratic candidates who advocated tariff reform. We held 168 meetings in the farming counties. John DeWitt Warner and Louis F. Post did the most work in this campaign, but they had many associates. These meetings led to a fruitful suggestion from George P. Decker, of Rochester. He proposed that joint debates be held at the county fairs. We found it difficult to bring the Protectionists to join in these debates, and it was not until the thirteenth of August, 1890, when the *Times*, *World*, and *Herald* of New York City publicly accused the Protectionists of cowardice, that they finally consented to join. Debates were arranged at forty-one local fairs. At five of these the Protectionists defaulted. At thirty-four points they actually met us. Out of the fourteen Republican Congressional districts in which debates were held, five were won for tariff reform. In one there was no Democratic candidate. In every one of the other eight the Republican majority was largely reduced.

In these debates, William M. Springer of Illinois, Michael D. Harter of Ohio, John E. Russell of Massachusetts, William L. Wilson of West Virginia, Thomas G. Shearman, and I were among the debaters. The debates were certainly great fun.

One of the most interesting was at a county fair at Sandy Hill, New York, which attracted farmers from three counties—Saratoga, Washington and Warren. The managers of the fair preferred to have the protectionist speech and the tariff reform speech on separate days. On the day on which I spoke entrance money was received from seven thousand persons, and the crowd that gathered around the platform extended so far that my voice was taxed to the utmost. In front of the platform there had found her way a young woman riding astride on a beautiful black mare. Her riding dress was appropriate. She sat the horse to perfection and managed to keep her steady in the midst of the shouts of the crowd and the music of the brass band. From this rider extended in all directions a multitude on foot, and fringing them was a great array of people in wagons who had driven into the fairgrounds.

My adversary, Mahlon D. Chance, the day before, had eulogized the McKinley tariff and declared that it had driven out of business the manufacturers of pearl buttons in a whole village in Austria. (The duty on pearl buttons under the McKinley tariff was designed to be prohibitory; it was two hundred per cent.) He gave a pitiful description of the wretchedness and poverty of working men and their wives and children in the highly protected countries of Europe, which he, with the usual inaccuracy of his fellow-orators, called "free trade Europe." The picture was overdrawn, but I took him at his word. I went him one better in my description of the comfort in which the American farmer lived, of his fertile fields and abundant

harvests, and arraigned the meanness and selfishness of the man and the party who would refuse to trade the produce of this country with people who were struggling for life in Europe. With a ferocity the more savage because it was unconscious, Chance had said: "Let us destroy their industry, let us prevent their trading with us; no longer war with arms, artillery and bloodshed, but with tariffs." He pictured a migratory group, houseless and homeless, under an aqueduct near Rome, and advocated a tariff war against these houseless and homeless creatures. I had the audience with me. They saw the meanness of his argument and cheered me to a man. I pointed out the absurdity of attributing the entire benefit of cheaper goods to a protective tariff and showed that cheapness had been caused by the improvements in the manufacture of iron and in machinery. I exposed the absurdity of the claim that we might prevent all imports from Europe and yet continue to sell as many goods abroad.

Another argument that we pressed with good effect was this: The more we succeed by our tariffs in driving the working people of Europe out of business, the more they will come to this country. The effect of this will be to reduce wages here. To the argument that the increase in price originally caused by the tariff produced so much American competition that prices were finally reduced, we brought forward in reply the statement of Mr. Rosen-garten, when he was seeking the restoration of the duty on quinine before the Tariff Commission: "If the effect of a high tariff is not to increase the price of the domestic article, I do not see any use in the tariff."

Similar arguments were addressed to audiences in different parts of the State, and they produced a great impression. All these methods were necessary, but, as Mr. Warner said in his report from the Tariff Reform Committee of the work accomplished in 1890:

Of all the committees, that on Press—Mr. Walter H. Page, chairman,—has probably accomplished by far the most extensive and effective work in proportion to the amount of expenditure involved on the part of this Club. We have secured the continuous, effective and enthusiastic services of:

1. The American Press Association, to which we give 7000 words every three weeks of popular tariff reform articles, which are published in 200 of the better daily and weekly papers outside the large cities. The estimated circulation of these papers is 300,000.

2. The A. N. Kellogg Newspaper Company, Kansas City, to whom we give 8000 words every three weeks, which goes into 150 papers, whose circulation is estimated at 150,000.

3. The Chicago Newspaper Union, to which we send 4000 words weekly, which goes into papers which use plate matter and "ready to print" papers. This matter is distributed by matrices from the several branches of this Union, among others the Western Newspaper Union, Chicago (250 papers); the Northwestern Newspaper Union, St. Paul (110 papers); the Indiana Newspaper Union, Indianapolis (20 papers); through branches at Detroit, St. Louis, and other cities (300 papers): in all, these 680 papers, having a circulation of 600,000.

By this machinery, therefore, we put popular tariff reform matter into papers that have a circulation in the country and in the smaller towns and villages of about 1,050,000.

One of the most audacious attacks by the Republicans in the course of this campaign was by Senator Aldrich. He made a speech in the Senate in which he assailed the American importers. I happened to be in Boston at the

time, and as I walked down Commonwealth Avenue and read the immortal words of Garrison, "My country is the world; my countrymen are all mankind," I was ashamed that a Senator of the United States should have limited his view to the walls of his own factory and been so stupid as not to see that the interest of even this little piece requires trade with foreign countries. In an article in the *Boston Post* I pointed out, as I did in many speeches and pamphlets that every pound of foreign material imported is paid for by the export of American products. Hancock was an importer, Pepperrell was an importer, Washington himself was an importer. There were many of us in every State who resented this attack on the men whose free spirit, quickened by freedom of commerce, made the Union possible and has preserved it ever since.

The Congressional election of 1890 showed the effect of the good work of the Reform Club. There was a net gain of seven Congressmen in the State of New York. In Iowa, though the Republicans carried the State ticket, the net Democratic majority for Congressmen was eight thousand. Of eleven Congressmen six tariff reformers were elected instead of one in 1888. In Illinois we picked out one district for work, that of Rowell, the chairman of the House Committee on Contested Elections. This was a Republican district, but we carried it for the Democratic candidate, to whom, before the election, we had forwarded a poll canvass indicating what turned out to be the actual result. Gains were made also in Minnesota, Wisconsin and Michigan. All this work was achieved with an expenditure of \$58,014.13.

During 1891 we continued the work on the same lines as those of 1890. A useful manual which we published came to be known as the *Red Book*. This contained selections from "Tariff Reform," rearranged and indexed. All our speakers had it. It was a magazine of ammunition which was used with great effect.

Our first business in 1892 was to secure the nomination of Grover Cleveland for the Presidency. The regular Democratic organization of the State of New York was in the hands of David B. Hill and his friends. He was a candidate for the nomination. All the energies of the regular organization were directed in his favor. Mr. George F. Parker, in the ninth chapter of his *Recollections of Grover Cleveland*, has given an account of what was done by William C. Whitney and Daniel S. Lamont of New York and many of the Democratic leaders from other States to secure his nomination. Let me tell the story of what was done by the Reform Club and its members and friends.

We had given Cleveland a dinner in the assembly room in the Madison Square Garden, December 23, 1890, which Parker says justly "had perhaps as far-reaching effects as any ever held in the United States." Our persistent propaganda has been described, and when the Democratic State Committee on very short notice called a State Convention to be held at Albany on the twenty-second of February to choose delegates from the Democratic party to the National Convention, we realized that the time had come for direct and personal work for our great leader. It was we who styled this a snap convention,

and organized the Anti-Snappers. No one did more to make this organization effective than Edward M. Shepard. Francis Lynde Stetson, E. Ellery Anderson and Charles S. Fairchild took an active part. We had a convention of our own, and nominated a delegation to Chicago.

The National Convention met at Chicago in June. The Palmer House was the center of interest. On its mezzanine floor most of the delegations had headquarters. The New York Independent delegation made headquarters at the Grand Pacific. Among the men especially active were Frederic R. Coudert, Edward B. Whitney (who afterward became Justice of the Supreme Court of New York), and Benjamin Ide Wheeler, then Professor of Greek at Cornell, and now President of the University of California. We visited each delegation and assured them that Cleveland best embodied the fundamental principles of the Democratic party, and that he was the one candidate who would certainly carry the State of New York. One of the most effective advocates for David B. Hill was Colonel Fellows, who had been District Attorney of New York County. He was an eloquent speaker and always went to the heart of any subject which he took in hand.

One day while our New York delegation was at lunch word came that the Mississippi delegation had appointed that afternoon for a hearing on the merits of the three candidates, Cleveland, Hill and Horace Boies, of Iowa. Boies was the only Democratic Governor who had ever been elected in Iowa, and his supporters confidently claimed he could carry that State. Cleveland's friends

had thought of him for the Vice-Presidency, but when we got to Chicago we found that he was in search of higher game. "Grasping, thou wouldest lose all," is a warning that ambitious politicians would do well to heed.

When the call came, it was agreed that the two Wheelers should go over to the Mississippi parlor and present there the cause of Cleveland. It was very hot. Professor Wheeler had on a Norfolk jacket, and I a light sack coat. Informal dress was the order of the day in all the delegations. When we arrived at the Mississippi parlor we found that they were ready to hear the representatives of the three candidates. Fellows spoke for Hill. He told how loyal Hill had been to the party, how he had carried the State of New York for Governor when Cleveland had failed to carry it for President, and claimed that Cleveland was not popular in his own State, and would not get the party support.

While he was talking I spoke with one of the Mississippi delegates. He said to me: "There are only three things on which the delegation want to hear you: 1. Will Tammany support Cleveland? 2. Will he carry the State of New York? 3. Why did he nominate Pearson, a Republican, for postmaster of New York City?" When my turn came, I disregarded the arguments which the other orators had made on any other topic, and went straight to the real issues in the Mississippian breast.

i. Whatever may be said against Tammany Hall, I declared, it is loyal to the party when it comes to Election day, and casts a strict party vote. This is the source of its power. It thus secures a great many members who are party men,

and who on the whole believe that loyal adherence to the organization is the best way to promote the principles of the party. I was once a member of Tammany Hall, and watched its activities closely. Rely upon it, we shall get the Tammany vote if Cleveland is nominated.

2. Cleveland is the only Democrat who under present conditions can carry the State of New York for the Presidency. The Reform Club has made a thorough canvass of the State. We have been engaged for four years in a vigorous campaign for tariff reform. We are well acquainted with the sentiment of the voters. This is for Cleveland because he represents the principles that we have at heart and has maintained them manfully. The fact that Hill's supporters felt obliged to call a convention at an unusually early day and on short notice shows that they were afraid of the people and unwilling to risk a fair election of delegates at the party primaries.

3. All party men know that in appointments to office it is the duty of the Executive to pay some consideration to his supporters. The election in 1888 in the State of New York was close. Blaine received many Democratic votes. It was only by the support of the Independents that Cleveland was enabled to carry the State. They supported him loyally in the face of violent abuse from their old Republican friends. On every principle of party policy they were entitled to consideration at the hands of the new Administration. Curtis and Schurz were their leaders in New York. They said to Cleveland that they asked nothing for themselves, but that they felt it was his duty to promote Pearson to be postmaster of the city. He had risen from a clerkship, had become the first deputy, had conducted the office with great ability, and was in every respect fitted for it, and was, therefore, the man who should have the appointment. Cleveland appointed him. I put it to you whether it was not his duty, not only as a Civil Service Reformer, but as a party man, to make this appointment.

These arguments proved convincing.

The Convention met the next day in the Wigwam on the shore of Lake Michigan. This was an enormous building with galleries, and would seat as many as fifteen thousand people. It had a long lantern in the roof running lengthwise, arranged like a clerestory.

The first question was on the report of the Committee on Platform. There was a majority and a minority report. These were discussed at length. The vote was taken by States and the platform as it was submitted to the people was finally adopted. This result was favorable to the tariff reformers. Cleveland's friends were sure of a majority, and the leaders on the floor felt reasonably sure that they had two thirds of the delegates. Still they decided to hold their forces together and not to adjourn until the nomination for the Presidency had been made. Accordingly when late in the afternoon the vote had been taken on the adoption of the platform and a motion to adjourn was made by Hill's supporters, the Cleveland men voted it down. Then came the nominations. David B. Hill was nominated by the regular delegation from his own State. Our contesting delegation had been heard, had presented their arguments, and had been convinced by Mr. Whitney that it was expedient not to press their claim to be represented on the floor of the House as against the regular delegation. So we had no votes in Convention. Senator Daniel, of Virginia, made a speech for Hill, with old-fashioned florid eloquence. Senator Vilas, of Wisconsin, made a clear and forcible speech in Cleveland's favor.

William L. Wilson, of West Virginia, was the president and conducted the proceedings with the same dignity and

good temper that he showed when Speaker of the House of Representatives. It was indeed a tumultuous assemblage. The clouds of the sultry day had been followed by a violent thunderstorm. The windows of the clerestory were open, and those who sat in the gallery, as I did, could see the flashes of lightning through the open windows. Then came the roar of the thunder. From below resounded the acclamations of the delegates when their favorite candidates were put in nomination. The supporters of Cleveland and the supporters of Hill strove to out-do each other in vociferation. A brass band played at intervals and gave us with impartiality the *Star Spangled Banner*, *Yankee Doodle*, *Marching Through Georgia*, and *Dixie*. *Dixie* was greeted with the old "rebel yell," and was cheered to the echo.

As the night wore away another attempt was made to adjourn, but this was voted down. Fortunately a member of the New York delegation, Henry Marquand, who afterwards claimed to have saved my life by this proceeding, had brought a box of sandwiches. These he divided among the hungry delegates, and we thus sustained our lives in the absence of dinner. Many other delegates had similar support. We were buoyed up by the great wave of excitement.

About two o'clock in the morning, when it was supposed that everything had been said that could be said, the regular New York delegation called for another speaker, and William Bourke Cockran made his way to the rostrum. His clear musical voice was heard distinctly throughout the great hall. Every shortcoming in Mr. Cleveland's

career was dwelt upon, every prejudice that could be excited against him was appealed to. Coming when New York had already been heard and when the lateness of the hour made it impossible to reply, this roused a burst of indignation in the breasts of our delegation that I hardly know how to express. We felt like killing the orator, but that was impossible, so we killed his candidate with votes. Almost immediately the roll began to be called. We kept tally. Mississippi had been in doubt, and we watched that vote with especial interest. When Mississippi gave a unanimous vote for Grover Cleveland the applause from all over the hall was unbounded. Those who knew the situation knew that this settled it, and that the two thirds vote, which is required under the rules of the Democratic Convention, would be secured on the first ballot. And it was. About four o'clock in the morning the chairman announced that Grover Cleveland had received  $616\frac{1}{3}$  votes and was the nominee of the National Democratic Convention for the office of President of the United States.

Then, and not till then, did the Convention adjourn. The electric storm which had dazzled our eyes and deafened our ears had passed over the city, and as we poured out of the eastern doors of the Wigwam we saw the sky aglow with the brilliant colors of the sunrise. This we felt was a good omen, and we greeted it with wearied bodies but with joyful souls. Our delegation walked over to the Grand Pacific in company with many of our friends, among them the Mississippians. We were almost famished. That hour is the most difficult time in a hotel to get anything to eat. It is too late for supper and too early

for breakfast. We succeeded in routing up the night clerk of the drug-store and consumed all the eggs and milk that were in his stock. One of the Mississippians said to me: "If you New Yorkers don't carry New York this fall, we shall go about Mississippi with our tails between our legs." "Oh," said I, "you need have no fear. We shall carry New York by a good majority." This optimistic view of the situation proved correct. When we had finished our meager lunch, we went to bed, a tired, but a happy crowd. When we got home to New York we all went to work.

During this campaign, E. Ellery Anderson (who in November, 1893, had succeeded me as President of the Reform Club) became chairman of the Tariff Reform Committee. Warner was chairman of the Committee on Other States. The Reform Club distributed 485,928 documents and books. We held during the year three hundred meetings under the direct auspices of the Committee. This year we could not get the Republicans to take part in joint debates, with three exceptions. I took part in two of these, one at Hobart, Delaware County, and one at Sandy Creek, Oswego County. My adversary in the first was Mr. Sanderson and in the other, Mr. C. L. Poorman of Ohio.

Byron W. Holt had charge of the distribution of literature with the newspaper associations, and reached one thousand newspapers through these agencies. We made arrangements with the publishers of *Puck* for the issue of a *Puck* extra containing a selected number of their tariff cartoons. We made extensive use of posters presenting, to use the words of Mr. Anderson;

either by an appropriate cartoon or by a particularly effective quotation the point or illustration or some principle which we desired to impress upon the people. These posters exhibited in store windows, in villages and towns in this State, were exceedingly effective.

One of the most interesting contests was in connection with a report which had been made by Charles F. Peck, Commissioner of Labor for New York. He was supposed to be a Democrat and was appointed by a Democratic governor. But he issued a report containing statistics showing the prosperity of the State of New York, and volunteered the opinion that this prosperity had been caused by the operation of the McKinley tariff. President Harrison thought this report of sufficient importance to justify special reference to it in his letter of acceptance. It was a piece of party perfidy contrived by the enemies of Cleveland and designed to defeat his election. The Tariff Reform Committee demanded of Peck the data which he had used in making this report. Our object was to show that the great prosperity to which he referred was not the result of the McKinley bill. Peck refused to furnish the data, and we obtained a mandamus to compel their production, which was returnable on Monday, the twelfth of September. On the Sunday evening he burned up most of the schedules which he claimed supported his statement. This was a boomerang, and removed entirely whatever impression favorable to the McKinley tariff might have been produced by the report.

A curious feature of this campaign was the distrust which Whitney and the Democratic politicians, who had

charge of the National campaign, showed of the Reform Club. We always supposed that Whitney had no faith in tariff reform, that he was afraid of our free-trade principles, and thought that it was desirable, if possible, to ignore them. He let us severely alone and managed so that not one of those who were active in the Reform Club should have any official position in the Democratic Campaign Committee. However, our object was not official position or party recognition, but the election of Mr. Cleveland and the repeal of the McKinley bill.

During this campaign I declared to some friends that I thought it probable that the Democrats would carry the Senate as well as the House of Representatives. This was treated as an instance of my excessive optimism, but when the returns were all in, it appeared that I was right and that the Democrats had elected their President by a large majority, had a large majority in the House of Representatives, and would have a majority in the Senate.

When the House of Representatives met in 1893, William L. Wilson became Chairman of the Ways and Means Committee and undertook to prepare a tariff bill.

The Reform Club itself sent a bill to Congress, which went much farther than did the Wilson bill in the reduction of duties. One of the first inquiries in reference to this came from Senator Proctor, of Vermont. He was the head of the largest marble quarry company in America, and a man for whom I had great personal regard. I always found him manly and straightforward. He was not an orator, but whenever he spoke in the Senate he was listened to with attention, for he spoke clearly and to the point.

UNITED STATES SENATE,  
WASHINGTON, D. C., April 13, 1893.

MY DEAR SIR:

I see by the newspapers that a tariff bill has been prepared by the "Tariff Reform Association of New York" and that copies have been to some extent distributed. This may be only a newspaper report, but if true, I would be much pleased if you would send me a copy. It is a matter which evidently will engage our attention next fall, and whether I take any part in the discussion or not, would like all the information I can obtain. I am a Protectionist, but not, I believe, an extreme one. In '90 I was urged very hard to favor an increase of the duty on marble by many from different sections of the country, and while I should have declined anyway to do so in the position I then occupied, I also informed all who applied to me that I did not believe in asking for any increase, and none was made, and have never been sorry that I did so. The duty was largely reduced in '83 and the present schedule, while it may not be perfect, is simpler, and I think much more satisfactory than any previous one since my acquaintance with the business. At least there have been less evasions and fewer complaints under it.

Very respectfully yours,  
REDFIELD PROCTOR.

HON. EVERETT P. WHEELER,  
New York City.

The Tariff Revision bill was introduced by Mr. Wilson in the spring of 1894. It passed the House. Its distinctive feature was the putting of wool on the free list. This had been one of the issues of the campaign, and to many of us seemed a success well worth fighting for. The bill went to the Finance Committee of the Senate and was greatly altered. To pass, it needed the votes of Senator Smith of New Jersey and Senator Gorman of Maryland. They were

both Protectionists and obtained amendments which greatly increased the rates of duty imposed by the House bill. They especially insisted that the sugar-refining interests should be protected by a differential, being the difference between the duty on raw and on refined sugar. The interest of the Havemeyers in sugar refining, and the action of these two gentlemen, gave them the soubriquet of "Senators from Havemeyer."

As thus amended, the bill went to the House. Gorman and Smith assured Wilson that it must be adopted just as it had passed the Senate and that no changes would be admissible.

David B. Hill had been elected to the United States Senate from the State of New York. Mr. Cleveland got no support from him. On the contrary, Senator Hill voted with the Republicans against the bill to repeal the McKinley Act. Vice-President Stevenson said: "At one critical moment of the struggle the bill was only saved by the casting vote of the presiding officer of the Senate." As I said at the time, "Why was not Mr. Hill there to save the bill, and how can he excuse himself to the Democrats of New York for his failure?"

Wilson consulted some of the tariff reformers as to whether or not the bill in the shape in which it passed the Senate was a sufficient improvement over the McKinley bill to justify the House in passing it. I told him that I thought the free-wool feature which was retained by the Senate was alone an advantage sufficient to induce one to put up with all the other changes. One evening at the Arlington in Washington he came out from a meeting of

the Democratic members of the Ways and Means Committee and told me that they had agreed to concur in the Senate amendments. The House therefore concurred, *nolens volens*.

The bill was passed and went to the President. His indignation against Gorman and Smith for the part they had taken in the amendment of the bill, and against Hill, who had voted against it, was intense. He refused to sign the bill, but took the ground that it was better than the McKinley tariff, and allowed it to become a law without his signature.

About this time I received from Michael D. Harter, who was one of our best friends in the House, the following letter:

HOUSE OF REPRESENTATIVES, U. S.,  
WASHINGTON, D. C.

August 21, 1894.

DEAR MR. WHEELER:

I am greatly obliged to you for enclosure in yours of the 17th inst. and not less so by your calling my attention to that vote of Mr. Seward in 1857 [for free wool]. While our bill does not go far in itself, its effect I think will be far reaching. One who reads Trumbull's *History of the Free Trade Movement in England* must be full of hope for the future.

Of course the bill is a rather ridiculous finale of twenty years of such effort as you and others have put forth, yet we can well afford to take courage and go forward. The men who will go down on the records with honor will not be the Gormans. They will be the Wheelers, the Wells, the Wilsons, and the others who have always kept the faith.

Yours truly,

MICHAEL D. HARTER.

The passage of this bill ended in the main the activity of the Reform Club for tariff reform. The business distress which was the inevitable result of an era of speculation between 1880 and 1893, and of our vicious currency system, was upon the country. The Republicans attributed this to the Wilson bill. They had so confidently predicted disaster from tariff revision that many of them had come to believe their own predictions and aided to create the evil which they feared. Sheep-growers sold their sheep. Manufacturers diminished production and reduced wages. On the other hand, the free-silver men attributed business distress to the demonetization of silver. On this latter point the Democratic party was hopelessly divided. The halo which surrounded Cleveland's head when he went into office had faded. He was no longer the head of a united, victorious, and enthusiastic party. It had become his business to endeavor to "ride on the whirlwind and direct the storm."

Let me here insert a letter which I received from Mr. Carlisle in April, 1895. He had been appointed by Mr. Cleveland, Secretary of the Treasury. It was a misfortune to the country that Carlisle had not taken the seat in the Senate to which he had been elected by the Kentucky Legislature and aided in the fight for the Wilson bill. Cleveland did not realize that in the condition of the party it was more important to him to have active, intelligent and vigorous support in Congress than it was to have in his Cabinet men who had won distinction there.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
WASHINGTON, D. C.,  
April 27, 1895.

Mr. EVERETT P. WHEELER,  
New York, N. Y.

MY DEAR SIR:

Yours of the instant, in which you so kindly refer to our personal association in the "old tariff fight," was duly received, for which you will please accept my thanks.

Although, as you say, "the bill of last year leaves much to be desired," its effect will be to demonstrate to the people the wisdom of the policy it has inaugurated. Our future duty is to resist all reactionary movements and keep ourselves constantly in a position to take advantage of every opportunity that may be afforded to make further progress in the direction of freer trade. The question of tariff reform has taken its place permanently in the business and politics of the country, and its final settlement upon just and equitable principles is only a question of time. In the meanwhile, there is another question demanding immediate attention. The free and unlimited coinage of full legal tender silver dollars by the United States, at the ratio of 16 to 1, is being vigorously advocated in nearly every part of the country, and the friends of a sound and stable measure of value must meet and refute the arguments by which this fatal policy is attempted to be supported.

The adoption of a depreciated standard of value would at once seriously impair the obligations of all existing contracts, destroy credit, deprive labor of employment, expel capital from the country, and so cripple all our industrial and commercial enterprises that it would require many years to recover from its effects, even if the injurious legislation should be promptly corrected. It is, in my opinion, the first duty of every patriotic citizen to contribute all in his power to the promotion of a healthy public sentiment upon this subject, and while I may not be able to participate in this work to the same extent that I did in the contest for tariff reform,

my services will be as cheerfully rendered now as they were then.

With kindest regards, I am,  
Very truly yours,

J. G. CARLISLE.

The contest in reference to the financial policy of the country to which Mr. Carlisle referred, engrossed the attention of voters in the campaign of 1896. The Democratic tariff reformers, who supported Mr. Cleveland both in his tariff and in his financial policy, nominated for President in that year John M. Palmer, of Illinois, and for Vice-President, Simon B. Buckner of Kentucky. William J. Bryan was nominated for President by the regular Democratic Convention, and the Republican candidates were William McKinley and Theodore Roosevelt. The latter were elected and the country was thus committed to the gold standard.

But McKinley and his party chose to consider the result as a mandate to repeal the Wilson bill, and revert to the policy of a high protective tariff. Accordingly in 1897, Mr. Dingley, of Maine, who had become chairman of the Ways and Means Committee in a Republican House, introduced a tariff bill which in its amended form restored wool, lumber and many other important free raw materials to the dutiable lists; raised the duties on flax and linens, earthenware, glass and agricultural products beyond the rates of 1890 and greatly increased the duties on cotton and woolen goods.

When the Census of 1900 came to be taken, the result showed that while the wages of working men during the

period the Wilson bill was in force were lower than they had been in 1893, yet their purchasing power was seven and one tenth per cent. greater. The wage-earners in the factories of the manufacturing States actually received a less average wage in 1900 under the Dingley bill than they had in 1890. The average in 1890 was \$1.39 per day; that in 1900 was \$1.29 per day. Again the census in 1900 showed that during that year thirty-nine per cent. of the male workers of the country were out of work during a period of from four to six months.

It became every year more and more evident that the manufacturers of this country were selling their products at a much lower price in foreign countries (where they had to pay duty and compete with domestic producers) than they would sell for in the United States. I knew of an instance, myself, where steel rails and fish-plates were sold for export and the manufacturer refused to deliver them when it was found that the export order was canceled owing to the destruction of the railroad for which they were intended.

Mr. Schwab testified before the Industrial Commission, "When business is in a normal condition the export prices are regularly somewhat lower than home prices." All these facts were made known to the country in various ways. The newspapers did their part; the Reform Club did its part. The facts sank into the consciousness of the people. In 1908, the Republican party promised the calling of an extra session of Congress to consider the tariff, and declared:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

The first part of the promise was kept. The second was not. Mr. Taft, in an article published in the *Cosmopolitan* during the campaign, showed that he understood the situation in principle. He declared:

"Interests which have fattened on abuses cannot be readily disturbed without their making a fight for their lives."

It was not for want of information that the Payne-Aldrich bill kept the word of promise to the ear, but broke it to the hope. The United States Government had taken a census of manufactures in 1905, and provided us with the material for what we may call our national balance sheet. Taking this in thousands of dollars, it is as follows:

	Total value produce . . . . .	\$14,802,147
Per Cent.	Made up as follows:	
17 6-10	Wages.....	\$2,611,540
3 9-10	Salaries.....	574,761
57 4-10	Material.....	8,503,949
		<hr/>
78 9-10	Total	
21 1-10	Net Earnings . . . . .	\$ 3,111,897

*In round numbers:*

Product,	fourteen billions and a half
Wages,	two billions and a half
Salaries,	half a billion
Net,	three billions.

The elaborate report of the United States Steel Corporation for the same year, and the United States official returns of the textile industry for the same year, corroborate the conclusions drawn from the general census. It would seem sufficiently clear that the net earnings thus shown were sufficient to pay interest on invested capital, to make proper provision for replacement, to give the manufacturer reasonable profit and at the same time to permit a decided reduction of duties.

But all these arguments failed to convince the committees of the two Houses. The Payne-Aldrich bill passed and was signed by the President, Mr. Taft. The result was general dissatisfaction. It was felt that the Republican party had violated its pledges. This sentiment was a powerful factor in the secession headed by Mr. Roosevelt, and encouraged the Democratic leaders to stand by their guns and maintain the tariff principles of their party.

The result of these combined forces was the election in 1912 of Woodrow Wilson as President and of a Democratic Congress.

This Congress kept the party pledges and gave us, in what may justly be called the Wilson-Underwood bill, which was signed by the President in September, 1913, a measure of tariff reform. This tariff makes fair competition with the foreign producer possible, and destroys the monopoly that the previous tariff gave to American manufacturers in many branches of industry. To use the phrase of President Wilson, the tariff is revised "on the basis of legitimate competition."

Many raw materials and necessary articles of food were put on the free list. The delusive duties on corn, wheat, rye, and flour, which the McKinley tariff had introduced as a bait to the farmers were repealed. Many manufactured products, such as nails, wire fencing, steel ingots, steel rails, sewing machines, and cotton bagging, which are produced as cheaply in America as they are in Europe were put on the free list. The schedules were simplified.

This tariff bill in large measure embodies the forecast of E. L. Godkin, in 1887. After pointing out the injurious effect upon our social condition which a high protective tariff had produced, he wrote:

What, then, is to be done by way of remedy? Nothing can be done suddenly; much can be done slowly. We must retrace our steps by degrees, by taking the duties off raw materials, so as to enable those manufactures which are nearly able to go alone, to get out of the habit of dependence on legislation, and to go forth into all the markets of the world without fear and with a manly heart. We must deprive those manufactures which are able to go alone already, of the protection which they now receive, as the reward of log-rolling in Congress, in aid of those still weaker than themselves. And we must finally, if it be possible, by a persistent progress in the direction of a truly natural state of things, prepare both laborers and employers for that real independence of foreigners, which is the result, simply and solely, of native superiority, either in energy or industry or inventiveness or in natural advantages.

It shows that the persistent teaching of the truth, while it may for a time seem fruitless, will yet in the end bear abundant harvest. "What is sown in the snow, comes up in the thaw."

## CHAPTER X

### 'THE CURRENCY, 1857-1913

A perfect and just measure shalt thou have.—*Deuteronomy.*

BEFORE the Reform Club had completed its work of Tariff Reform, it was called upon to equal activity in the cause of Sound Currency. This was one of the purposes for which the Club had been organized. But its tariff campaign at first engrossed the thought and funds of the members.

In order to understand the position from 1891 to 1896, it is necessary to recall briefly the condition of the currency of the United States. While the legal ratio between gold and silver, in the countries of continental Europe, had remained unchanged at  $15\frac{1}{2}$  to 1, the actual ratio, as measured commercially, had varied. In 1834, the United States made a change in its coinage for the purpose of producing a more complete correspondence between the two metals and had made the ratio 16 to 1. The debates when that act was under consideration show that there was in 1834 no gold in circulation in the United States.<sup>1</sup> The change in the ratio did not accomplish the desired purpose. From

<sup>1</sup> Benton, *Abridgment Debates*, vol. xii., pp. 508-510.

1834 to 1861, silver was of more value than its equivalent in gold coin according to this American ratio, and, therefore, until 1853 the silver coin current in the United States was Spanish and not American coinage, and consisted largely of sixpences and shillings (as we called them in the Middle States). In the latter year the ratio for subsidiary coinage was changed, and silver half-dimes, dimes, quarter and half-dollars of American coinage came into current use. The amount of silver in the silver dollar was not changed, but its coinage was discontinued. I never saw a silver dollar of American coinage before the end of the Civil War.

Before this time the only notes in circulation in the United States were issued by state banks. These banks, with the exception of the Chemical Bank of New York City, suspended specie payment during the panic of 1837. They suspended again in 1857, some in September and some in October. None of them was able, before 1861, to maintain the circulation of its notes at par outside the district in which it was located. Even bank notes of New York City banks did not circulate at par in northern and eastern New England prior to the Civil War. Notes of the New England banks were maintained at par in that section of the country by the Suffolk Bank of Boston, which had established in that city a center for the redemption of notes payable outside the city of Boston, and in that way gave a currency to the local issues which otherwise they would not have had.<sup>1</sup>

At the beginning of the Civil War there were about

<sup>1</sup> See David R. Whitney, *History of the Suffolk Bank, passim.*

\$250,000,000 of gold coin in the United States and notes of state banks of about \$202,000,000.

The outbreak of that war led the holders of the notes of banks throughout the country to demand payment in specie. The banks immediately suspended payment. The silver coin which was in circulation disappeared as by magic, and we were driven to the use of postage stamps for a circulating medium in amounts less than a dollar. Tin cases were manufactured which would hold a postage stamp and stamps were placed in these cases and circulated as money. The necessity of the situation compelled cities, towns, counties and banks to issue notes for less than a dollar. The Government soon made provision for the issue of government notes of small amounts. The first of these had the likeness of postage stamps printed on them and were known as postal currency. In February, 1862, a bill was passed authorizing the issue of \$150,000,000 of United States notes of denominations not less than \$5 each, which were to be legal tender, receivable in payment of all taxes, and duties due the United States *except duties on imports*, and payable by the United States for all claims "except for interest upon bonds and notes, which shall be paid in coin." The constitutionality of this measure was debated in Congress, but the bill passed, was signed by the President, and the notes were issued. The back of these notes was printed in green and they came almost immediately to be known as greenbacks. In July of the same year an equal additional amount of legal-tender notes was authorized. Of this amount, \$35,000,000 were authorized to be in denominations of

less than \$5. Provision was also made by the Acts of 1863-64 for the organization of national banking associations which were authorized to issue notes as against the deposit with the Treasurer of the United States of United States Registered Bonds as security. Notes amounting to ninety per cent. of the current market value of the bonds were to be registered, countersigned, and issued by the Comptroller of the Currency to the bank depositing the notes. By the first of January, 1875, 2036 national banks were incorporated with a gross capital of \$503,000,000, and a total circulation of \$342,000,000. These figures are exclusive of insolvent banks of which there were a few. But the provision of law as to the deposit of bonds made the notes secure, and they circulated at par all over the country and were received as readily as the legal-tender notes of the Government. At the same time the note issues of the state banks were taxed out of existence by a tax of ten per cent.

In 1873, after two years' discussion and full publicity, the previous acts authorizing the coinage of a standard silver dollar were repealed. There were practically no silver dollars in circulation at that time. The whole amount that had been coined from the foundation of the Government was only about \$8,000,000. Shortly after this, however, new deposits of silver were discovered, and new processes cheapened the cost of refining the ore. The amount of silver produced greatly increased. The value of silver bullion diminished. It naturally became for the interest of the mine owners to get a market for their product. The mints of Europe had suspended

silver coinage, except for subsidiary coin, because of the disparity in intrinsic value at the existing legal ratio between silver and gold coin. In 1877, a bill passed the House of Representatives authorizing the free coinage of silver by the Government at the ratio of 16 to 1, the silver dollars to be of the weight of  $412\frac{1}{2}$  grains troy. This bill was amended in the Senate, and a compromise adopted which was known as the Bland-Allison Act, because Mr. Bland, of Missouri, and Senator Allison, of Iowa, were its sponsors. This authorized and directed the Secretary of the Treasury to purchase every month silver bullion of not less than \$2,000,000 nor more than \$4,000,000 value and required that the same be coined into dollars of the weight and fineness before mentioned. The profit of this coinage was to be covered into the Treasury. In this way mine owners got a market for their silver, but the profit on the coinage went to the Government. That was the compromise. President Hayes vetoed the bill, but it passed both Houses of Congress over the veto and became a law, February 28, 1878.

The supply of silver continued to be greater than the demand. The value of silver bullion continued to decline. Owners of the mines, their friends and neighbors, and many disinterested and upright men, whom they had convinced, agitated for more legislation, which, to use the phrase of the day, would "do something for silver." The argument was that the demonetization of silver in 1873 had depreciated its value and diminished the value of all products. On the other hand it was said the farmers' mortgages had to be paid in gold, and therefore in a

currency which was of really greater value than that in which it was contracted; in short that the effect of the demonetization of silver had been to burden the debtor and increase the wealth of the creditor classes. Many sincere persons believed this, and the theory became popular. The cost of living had decreased but orators said it was harder to earn a living.

Public men took notice of the popular demand. In the paper known as *Judge* there appeared about 1887, a cartoon which represented the situation at the time with correctness. Benjamin Harrison, William McKinley and Thomas B. Reed are standing at a place where two roads diverge. In the distance the White House is to be seen. One of these roads is marked Gold Standard; the other is marked Free Silver. All three are evidently in great doubt as to which road to take. Benjamin Harrison in 1889 arrived at the White House. On the 14th of July, 1890, he did "something for silver." He signed a bill, which had passed Congress, directing the Secretary of the Treasury to buy silver bullion monthly to the aggregate amount of 4,500,000 ounces at the market price. Then the Act, with a naive simplicity calculated to catch the average man who did not know the price of silver, stated that the price should be "not exceeding \$1. for 371.25 grains of pure silver." This was the amount of pure silver which went into the standard dollar. The alloy made the weight 412.5 grains. Inasmuch as the market price of that amount of pure silver when the bill was passed was about 55 cents, the restriction was harmless.

In payment for these millions of ounces of bullion the Secretary of the Treasury was directed to issue treasury notes, which were to be redeemable on demand in coin and were to be "legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and *were to be receivable for customs, taxes and all public dues.*" The act is known as the Sherman Act, and John Sherman of Ohio is in part responsible for it.

This act made a fatal inroad upon the policy of the Government, which had continued since the beginning of the Civil War, of requiring customs duties to be paid in gold. That requirement insured the United States Treasury a stock of gold, and as gold was the only international basis of exchange, this kept our national treasury on a basis which insured international confidence. It is a pitiful instance of the tendency of public men to yield to clamor, that the majority of the Republicans in Congress and President Harrison himself should have allowed such a destructive measure to become a law. Its inevitable effect was to steadily reduce the amount of gold in the Treasury. Not only was this result produced by the failure to pay gold in, but by the disposition of the holders of government obligations to demand gold. Up to the passage of this Sherman Act, July 14, 1890, only about \$28,000,000 of the greenbacks had been redeemed in gold, but by February 29, 1896, the amount of greenbacks presented for redemption in gold, and drawing that metal from the Treasury, amounted to \$381,795,733. Yet under the Act of May 31, 1878, the Government was

required to reissue these greenbacks. Thus was produced what Mr. Cleveland justly called "an endless chain." The greenbacks were presented and redeemed in gold. Then the Government paid them out again in discharge of its debts, and the same notes thus paid out were brought back again, and again redeemed in gold. The result was that in April, 1893, the amount of gold in the Treasury had fallen to \$97,000,000. On June 30, 1890, it had been \$190,232,000. This was the legacy of financial danger which the Republican party bequeathed to the second Cleveland Administration. Many Democrats had united in the preparation of this fatal inheritance, but the Republican party had been in power during four years and was responsible for the legislation of that epoch.

The Reform Club got to work on the currency in 1891. E. Ellery Anderson had become president of the Club. We called a meeting at the Cooper Union for the tenth of February, to oppose the free coinage of silver and to advocate the repeal of the Sherman Act. Grover Cleveland was then practicing law. David B. Hill was Governor of the State of New York. We were desirous that both he and Mr. Cleveland should express themselves positively upon this subject of free coinage. Our committee was unable to obtain any expression from Governor Hill.

The delicate, and almost feminine handwriting of President Cleveland came near, on this occasion, depriving the country of the benefit of one of his most memorable letters. He was absent from New York City. Our invitation was delayed in reaching him, and up to the afternoon of the day on which the meeting was to be held

we had no word from him. The president of the Club, who was at that time a trustee of our public schools, went home to dinner before the meeting and asked his wife if there were any letters relating to the meeting. Her reply was, "No, there is a letter from one of your lady friends, the teachers. That is all." "Let me see it," said Anderson. He recognized in an instant the well-known handwriting. The letter is as follows:

February 9, 1891.

E. ELLERY ANDERSON, *Chairman,*  
DEAR SIR,

I have this afternoon received your note inviting me to attend to-morrow evening, the meeting called for the purpose of voicing the opposition of the business men of our city to "the free coinage of silver in the United States."

I shall not be able to attend and address this meeting as you request, but I am glad that the business interests of New York are at last to be heard on this subject. It surely cannot be necessary for me to make a formal expression of my agreement with those who believe that the greatest peril would be invited by the adoption of the scheme, embraced in the measure now pending in Congress, for the unlimited coinage of silver at our mints.

If we have developed an unexpected capacity for the assimilation of a largely increased volume of this currency, and even if we have demonstrated the usefulness of such an increase, these conditions fall far short of insuring us against disaster if, in the present situation, we enter upon the dangerous and reckless experiment of free, unlimited, and independent silver coinage.

Yours very truly,

GROVER CLEVELAND.

The letter came like a clarion call in those times of doubt and uncertainty, and was read at the meeting, received with the greatest enthusiasm, telegraphed all over the country, and I had the pleasure of communicating its terms at a dinner of the Chamber of Commerce at Charleston, South Carolina, to which I was invited. The Charleston business men were all for the gold standard. The farmers up-state had been led to believe that free silver was for their interest. Charleston men were discouraged. This manly and courageous stand of Cleveland electrified the people of South Carolina. It had seemed that every public man was so afraid of the strength of the free coinage party that he did not dare to come forward. When Mr. Cleveland, who had frequently been named as a candidate for the Presidency in 1892, took this manly ground, every manly heart responded with satisfaction. Our friends in Congress were gradually drawn into coöperation. William H. Brawley, who afterwards became Judge of the United States District Court in the South Carolina District, was one of our most effective supporters in the South.

Michael D. Harter, of Ohio, was one of the faithful members from that State. Mr. Harter is best known in the legal history of the country as the author of the Harter Act, which unified the law of the United States on the subject of negligence clauses in bills of lading, and the terms of which were in effect adopted in almost all commercial countries by the incorporation of them in the bills of lading issued in foreign ports.

One result of the coöperation of the friends of sound

money throughout the country, Mr. Cleveland, Mr. Chas. S. Fairchild, Mr. Abram S. Hewitt, Mr. Harter, Mr. Brawley and many others, was to secure from the Democratic National Convention which met at Chicago in 1892, a declaration in favor of the repeal of the Sherman Act. No doubt some of the free silver men thought that by repealing that act they could more readily secure a bill for the coinage of silver at the standard ratio. But at any rate the plank was adopted. When Mr. Cleveland was elected in November, 1892, he had to decide whether to bring the repeal of this act or the repeal of the McKinley tariff act first to the attention of Congress. The party was united on the tariff, and many of us thought that it was desirable to proceed at once to the consideration of that subject. William C. Whitney and many of the men who had been more in official life than the members of the Reform Club were of a different opinion. Mr. Cleveland took their advice, not ours, and when he called an extra session it was for the purpose of repealing the Sherman Act. The condition of the country was such that it is not surprising that the President should have come to this decision. To use the language of John DeWitt Warner in an admirable paper on the Currency Famine of 1893 which he prepared for Sound Currency:

Our people found themselves not merely drained of currency, but forbidden by most carefully drawn statutes to utilize expedients which would have been most natural and most effective. No civilized nation has ever experienced such a currency famine. None has ever found itself so fettered by positive law in its efforts to rescue itself.

The effect of the Sherman Act had been to induce the hoarding of gold. The fear that ruin would follow the abandonment of the gold standard was a prominent factor in the failures of business men and the suspension of national banks. I cannot do better than to quote again from Mr. Warner.

Then developed the feature that will forever characterize the stringency of 1893—*instructive to those who have not already learned how immaterial is any ordinary supply of legal currency when compared with the credit in its various forms, the real currency of the country.* For years business credit had been shrinking in the United States—this largely, though by no means wholly, as the result of the constant inflation of our currency by silver legislation at a time when normal business demands for currency were growing less and less; and now this credit was largely destroyed; so that each (largely in proportion to the extent to which his lack of information left him a ready victim to fear) preferred currency in hand to any amount of credit, however “gilt-edged.” Almost between morning and night the scramble for currency had begun and culminated all over the country, and the preposterous bulk of our circulating medium had been swallowed up as effectually as, in a scarcely less brief period, gold and silver had disappeared before the premium on specie a generation before. Currency was hoarded until it became so scarce that it had to be bought as merchandise at a premium of 1% to 3% in checks payable through the clearing house; and to enable their families to meet petty bills at the summer resorts, the merchants and professional men of the cities were forced to purchase and send by express packages of bills or coin, while savings banks hawked their government bond investments about the money centers in a vain effort to secure currency. The panic was naturally worst among those of too little financial standing to use bank accounts for their ordinary business, so that the action of bank depositors

but inadequately suggests the general tendency. But the deposits in National Banks alone, which had been \$1,750,000,000, May 1, 1893, were but \$1,550,000,000 on July 1st, and by October 1st, but \$1,450,000,000.

Then began the issue of Clearing House certificates, issued either by clearing houses in the great cities, or by temporary committees of banks. The latter were issued in denominations varying from \$1 to \$1000. In Birmingham, Alabama, the issue was even of notes for 25 and 50 cents. Business men made their checks payable through the clearing house. Pay checks were issued by manufacturers.

During this period of alarm and distress the House of Representatives had organized. William L. Wilson had become chairman of the Committee of Ways and Means, and the question of the free coinage of silver had been debated there. In this debate, Mr. Wilson took an active part. I wrote him a letter of congratulation. In reply I received the following:

HOUSE OF REPRESENTATIVES, U. S.,  
WASHINGTON, D. C., Aug. 28, 1893.

DEAR MR. WHEELER:

I thank you sincerely for your words of congratulation. I am more awed with the difficulties and responsibilities of the position assigned me than elated by the honor. We shall get to work at once. The debate on the silver question has been a great success and a great education. Some of those who vote against us to-day, acknowledge privately that they are convinced. I am glad to read your views on the tariff and the franchise question.

Hastily but gratefully yours,  
W. L. WILSON.

The bill for the repeal of the purchasing clause of the Sherman Act passed the House on the first of September, 1893. There was a clear majority for the repeal in the Senate. But the courtesy of the Senate allowed the Senators who opposed this repeal to hold the measure up by long speeches in which not only the merits of the question but all possible collateral subjects were discussed. The delay in bringing the measure to a vote became so alarming that many of us, who were active supporters of the Administration, and favored the speedy repeal of the Sherman Act, were convinced that it would be proper for the presiding officer of the Senate, who was then Vice-President Adlai Stevenson, to entertain a motion that a vote should at once be taken and to refuse to allow any dilatory speeches to be made in opposition to this motion. We took the ground that the danger and injury to the country caused by the delay were so great, that a case had arisen for the application of the maxim that "self-preservation is the first law of nature." We entered into communication upon this subject with some of our friends in the Senate. The letter which I received from William F. Vilas, who had been a member of Cleveland's Cabinet during his first Administration, and was now a Democratic Senator from Wisconsin, gives an interesting account of the situation.

UNITED STATES SENATE,  
WASHINGTON, October 19, 1893.

MY DEAR MR. WHEELER,

I have carefully read your letter of the 16th, interesting in its suggestions and kind in your expressed opinion of myself,

personally. The subject has been present to my mind in the aspects in which you present it, indeed, I think I may truthfully say in all of them, since the time of the President's proclamation. There was no difficulty in foreseeing the very condition of things which we are now experiencing. Before I left my home in Madison, I made arrangements to return there, as I did in the latter part of September, for a necessary business visit, and I said then that it would be long before the repeal could be accomplished. I remark this only to show how surely this deplorable condition has been the result of conditions which would, if known as well, have made their result equally certain of forecast to any intelligent mind; and also still more particularly in order to explain why it is that the heroic course which you suggest, which, indeed, seems to be the natural yearning of the troubled mind, cannot be likely to succeed.

Let me suggest to you some difficulties. The presiding officer could not wisely entertain a motion or an objection looking to the disregard of dilatory motions, or any of the usages of the Senate, unless certain he would be supported by a majority. There is no lack of courage, either to press the motion, or to sustain it, providing there is the sustaining majority.

Neither is it possible for the Senate in its present or in any condition in which it has been since this Congress was elected, to be carried off by any clearness or cogency of argument, or power of eloquence. Mills made to-day, an admirable, an eloquent, and very moving speech. Governor Hill made a good speech yesterday, and appeared to a better advantage than I ever saw him before. It would doubtless require many such before a result, and the result would be effected not so much by the speeches as by the changing conditions in the Senate. The inherent difficulty lies in the fact that the majority for repeal is composed of patriotic men of two very antagonistic political parties, and the opponents of repeal are composed not only of similar elements from both of the old political parties, but with a third party which is

almost, in its principles, like the advance guard of a French Revolution.

Superadded to this, among the majority for repeal are many men who fought the Force bill, with a desperation of purpose, though performance to so great an extent was not required, equal to that which now animates the Silver men, and then committed themselves to doctrines which are now made avail of for resistance.

Thus we have on the part of the majority for repeal the necessity for separate conferences in the separate divisions, with the jealousies necessarily intervening. All history shows with what difficulty allied armies contend together against the foe. The opposition occupies the inner lines. Their alliance is bound compactly by the external pressure, and if you look through the names of those engaged you will see from the States which they represent, and other circumstances, not to be particularized, a desperation which is entirely incompatible with the character of the United States Senator as that character would appear to you or me to be.

I have thus but barely indicated what your reflection will supply, of the trying conditions under which the repeal has been pressed, as the problem for the Senate to execute.

My hope of a fairly satisfactory result, notwithstanding, has never been lost from the first, and to-day is stronger perhaps than ever. It is a pity the country must undergo the pangs of anxiety which the conditions impose in the necessary delay. I entertain, however, a very warm expectation of a fairly good result. Accept my thanks for the very kind personal expression which you have been good enough to bestow, and which, as well as your conspicuous deserts, have led me to think it due that I should add something of the reasons upon which I think you may justly support your patience.

Yours very truly,  
WILLIAM F. VILAS.

Soon after this the cry for relief coming from all parts of the country led the recalcitrant Senators to feel that

they could not longer withstand the demand for a vote.<sup>1</sup> The House bill passed the Senate with some amendment at the end of October. It went back to the House, and the repeal finally took effect on the first of November. It was high time, for already on the first of July, while the gold in the Treasury had fallen to \$110,109,923, the silver dollars in the Treasury were \$362,302,707. That is to say, already we had in the Treasury three and one-half times as much silver as gold.

It soon became apparent that the repeal of the Sherman Act was not enough. The agitation for unlimited free coinage of silver continued, and on the first of February, 1894, the gold reserve had fallen below \$66,000,000. Ruin threatened as a consequence of the discontinuance of payment in gold and the inability of the country to do what Section Two of the Sherman Act declared "the established policy of the United States, to maintain the two metals on parity with each other on the present legal ratio or such ratio as may be provided by law." The country's deliverance was chiefly due to six men, three in public office and three out of it. Grover Cleveland, the President, John G. Carlisle, Secretary of the Treasury, William E. Curtis, Assistant Secretary, J. Pierpont Morgan, August Belmont and Francis Lynde Stetson. They had a host of supporters, but had it not been for their wisdom and dauntless courage the result could not have

<sup>1</sup> In June, 1913, Robert L. Owen, Senator from Oklahoma proposed a rule providing for closing debate upon motion for that purpose, upon notice of not less than a week "unless within the last two weeks of the session." He made an excellent speech in support of this rule. See his article in *National Monthly*, July, 1913.

been accomplished. It was Mr. Curtis who discovered that there was a clause in the Act of January 14, 1875, providing for the resumption of specie payments, which authorized the Secretary of the Treasury to issue, sell and dispose of at not less than par "in coin" certain bonds of the United States which were designated in a previous act. These were 5% ten-year, 4½% fifteen-year, 4% thirty-year bonds.

President Cleveland urged Congress to pledge the credit of the country to the redemption in gold of the bonds to be issued, but this Congress refused to do, and he therefore had to issue bonds at a lower rate than if they had been payable in gold. In January, 1894, \$50,000,000 of five per cent. bonds were offered for sale. Bids for these were accepted February 3, 1894, at a premium, mostly at 117.223. One amusing bid came from Wichita, Kansas. It was for fifty dollars at 200. One would like to know what became of that fifty-dollar bond. By that time the reserve had fallen below \$66,000,000. The endless chain, which has been described, gradually took out of the Treasury the gold which had been received for the sale of the fifty millions. The price of these bonds fluctuated. It went up to 119, and fell at one time to 112. In November, 1894, fifty millions more of five per cent. bonds were sold, also at a premium 117.077, and their price, \$58,500,000 in gold was added to the Treasury.

Lyman J. Gage told me that John A. Stewart, who was then President of the United States Trust Company, and preceded Mr. Gage in that office, was one of the most active men in effecting the sale of this issue of bonds.

He subscribed largely for his own Trust Company and personally went to the Presidents of other banks and trust companies urging them to take their quota. The reply was made by some that they would not subscribe for any more. That the bonds which they had bought in February had fallen below the price they gave and that the free-silver agitation was so persistent that they felt the credit of the Government was gone. Stewart replied that the credit of the Government would be gone unless the banks sustained it, but that if they would sustain it, it would stand. If they did not sustain it, all their securities would depreciate in value and their stock-holders and depositors and indeed the whole country would suffer incalculable loss. He convinced Gage that the Bank in Chicago, of which he was President, should do its part, and it did, and the issue was taken. But the endless chain continued in operation, and gold continued to go out of the Treasury. It became plain that unless some extraordinary measure was adopted the last dollar of gold would leave the Treasury before the end of four weeks, and we should then be on a silver basis. A silver dollar was worth intrinsically not more than one half a dollar in gold. If we had been driven to pay all our obligations in silver, the value of every piece of property in the country would have depreciated fifty per cent. Mr. Curtis went to New York repeatedly and studied the situation carefully. In June, 1896, he testified before an investigating committee of the Senate<sup>1</sup>:

<sup>1</sup> *Pamphlet Report of Proceedings and Hearings*, p. 248.

At that time [January, 1895], there was great excitement in New York; there was a panic, practically, among certain people and everybody was in a state of unrest. These people had gathered there because they had heard that I was coming to the sub-treasury in the morning and they wanted to see me. They were engaged in the banking business and particularly in the exporting of gold, which was being exported in large quantities at that time.

On the thirty-first of January, he met J. P. Morgan and August Belmont at Mr. Jordan's office at the sub-treasury and conferred with them as to the most effective means of sustaining the government credit.

Mr. Morgan said that he would coöperate with Mr. Belmont and do what he could, and see whether they could not get a market for some bonds abroad and that meanwhile he would make some inquiries.<sup>1</sup>

Curtis returned to Washington, conferred with Carlisle, returned to New York, and met Morgan and Belmont at the former's house on the second of February. They told him they could sell bonds abroad. To quote again from Curtis's testimony:

They said they thought they could sell fifty million dollars bonds, with an option for the same amount as I recollect it, and they were to be thirty-year bonds at a lower rate of interest than the fives that had been previously issued, because the foreign market desired lower rates of interest.<sup>2</sup>

By this time Curtis had found another method of dealing with the situation. Section 3700 of the Revised Statutes provided:

<sup>1</sup> *Pamphlet Report of Proceedings and Hearings*, p. 248.

<sup>2</sup> *Ibid.*, p. 250.

The Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates, and upon such terms, as he may deem most advantageous to the public interest.

By this time also the situation had become more acute. The Republican party, in Congress, gave no support to Cleveland. The Populists and free-silver men bitterly reviled him and his financial policy, in speeches which were published here and cabled to Europe. All this naturally led foreign bankers to doubt the honesty of the United States, and to fear that we might go into bankruptcy and pay our debts at fifty cents on the dollar.

To quote from Brayton Ives, who kept in touch with the situation and was a subscriber to one of the bond issues<sup>1</sup>:

Such was the critical state of affairs in the last of January, when the Assistant Secretary of the Treasury came to New York charged with the imperative duty of providing at once for the Treasury's necessities. The course of events above described had increased a hundred-fold the difficulties and dangers of the situation. The reckless and unprincipled speeches in Congress were constantly augmenting the existing uneasiness in financial circles, and every day brought fresh demands on the Government's rapidly diminishing reserves of gold. In fact, so far did this go that there was virtually a run on the Treasury. And more than this—the Treasury was practically in a state of suspension so far as gold payments were concerned. That this condition was not published was due to the feeling that such an announcement would probably precipitate a crisis and bring universal disaster. Only a comparatively small number knew the full gravity of the situation. It is safe to say, however, that no such great apprehension

<sup>1</sup> *Yale Review*, May, 1895.

hension has been felt by those few since the days of the war. The alarm was all the more dangerous because it was suppressed. No one could tell at what moment it might break out and get beyond control. The gold reserve on Monday, January 28th, was \$56,069,995. In five days the withdrawals amounted to \$14,180,000, leaving on hand only \$41,889, 995, or less than three days' supply at the same ratio. And of this relatively small sum all of the coin was represented by outstanding certificates, the remainder being in small gold bars and not available, therefore, for the redemption of the obligations of the Government. In other words, the United States Treasury had reached a point where it was possible for any one of a half dozen of our large corporations to have forced upon it at once a public confession of its inability to meet its engagements.

Such was the situation of American finance when a consultation took place at Washington, February 7, 1895, between Cleveland, Carlisle, Curtis, Morgan, Belmont and Stetson. Richard Olney, the Attorney-General, also participated. J. Pierpont Morgan and August Belmont never rendered the country a greater public service than by coming then into the breach. Morgan was a Republican, Belmont a Democrat, but patriotism united those whom politics had divided.

An agreement was made by which J. P. Morgan & Co., of New York, for themselves, and for J. S. Morgan & Co., of London; and August Belmont & Co., of New York, for themselves and for N. M. Rothschild & Son, of London, were to sell and deliver to the Government 3,500,000 ounces of standard gold coin of the United States, to be paid for in bonds bearing annual interest at the rate of four per cent., per annum, and payable at the pleasure of the Government after thirty years from their date, such bonds to be issued and delivered from time to time as the gold coin to be furnished was deposited

by said parties in the sub-treasuries or other legal depositories of the United States. At least one-half of the coin so delivered was to be obtained in Europe, and shipped from there in amounts not less than 300,000 ounces per month, at the expense and risk of the parties furnishing the same; and so far as it was in their power they were to "exert all financial influence and make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of the contract."<sup>1</sup>

Stetson testified on the investigation which I mentioned<sup>2</sup>:

SENATOR VEST: You say you saw this contract? Was it typewritten?

MR. STETSON: I saw it growing; I helped dictate it; I dictated part of it, and Mr. Curtis dictated part. I saw it, as I say, growing. The stenographer went out of the room and wrote it out and brought it back into the room. When it was brought back all were present—the Attorney-General (Mr. Olney), the Secretary of the Treasury, and Mr. Curtis, Mr. Morgan and myself. Mr. Belmont had not yet arrived. Thereupon the Secretary of the Treasury (Mr. Carlisle) and Mr. Olney took the paper, went out of the room, and considered it, I should say, half an hour and came back and made some suggestions; among others, the suggestion about protecting the Treasury, which Mr. Morgan accepted.

SENATOR VEST: You say you made suggestions in regard to the contract.

MR. STETSON: I think the first part of the contract was entirely my dictation. I opened the volume containing Mr. Sherman's previous contract (that of 1878) with Mr. Belmont and Mr. Morgan. I dictated from Mr. Sherman's contract, with the necessary changes down to the point where the pro-

<sup>1</sup> Cleveland, *Presidential Problems*, pp. 152-153.

<sup>2</sup> *Pamphlet Report*, p. 278.

tecting clause comes in; that is to say down through the formal part of the document. As the contract is here I can identify the portion with exactness. When I got down to the protecting clause, I said to Mr. Curtis, "This is the Government's contract; what do you want to do?"

SENATOR WALTHALL (handing a book to witness): Look in that book, please, and identify the contract.

MR. STETSON (referring to page 46 of the volume of this investigation): I dictated down to and including the line: "First, such purchase and sale of gold coin being made on the following conditions." Then I stopped. I said, "What are the conditions that the Government makes?" Down to that point I had been anxious to see that the legal basis for a contract was there. I had carefully considered section 3700 of the Revised Statues. I had read the reports of the debates from the time that Secretary Chase had first sent in the original draft of the law to Congress through Mr. Stevens, in the House of Representatives, in March, 1862. I followed that through all the reports of the conference committees, including the disputes that arose between Thaddeus Stevens and Senator Fessenden which finally led to Mr. Stevens going off the committee, stating that he would not act any further on the conference. As I have stated, I reached the conclusion that that formed the legal basis of the contract. When I had reached that point, I said, "My part is done. Now let the Government make its contract."

SENATOR WALTHALL: Did Mr. Morgan state to you at any time before you left here for Washington that he wanted you to go there and supervise the drawing of a contract between him and the Treasury Department?

MR. STETSON: Before I answer that question, which I shall do almost immediately, I wish to say this: Of course, Senator, you are too great a lawyer to suppose I would answer that question as to what my client said to me unless I were free to do so. I have consulted Mr. Morgan, and Mr. Morgan has advised me that I may answer any question.

SENATOR VEST: We understand, of course, what the rule is,

and that you can avail yourself of your privilege in the matter or not, as you choose.

MR. STETSON: Not my privilege.

SENATOR VEST: I am speaking of your professional privilege.

MR. STETSON: It is my client's, and he has released me. I will now answer. I will say to you, as I have said before, that Mr. Morgan, on the morning of Monday, February 4th, asked me to go to Washington as his counsel, saying that the question was coming up as to an issue of bonds. I had never had a word with him before that time on the subject; indeed I had been out of the city and had returned only Sunday night. Upon that I went with him. He said, "There may be papers to be drawn, and I want you." I asked no further questions, but went.

As I read this account I can see the great room of the Secretary of the Treasury, looking south over the Potomac to the Arlington Hills; I can see Morgan, his massive head—the embodiment of power; Belmont, keen, self-possessed, quiet in manner, yet with the undercurrent of swift activity; Stetson, the wise counselor, with his kindly face, and shrewd smile,—all fully conscious of the gravity of the financial condition and the need of prompt action, and resolute to do their duty regardless of hazard. If men appreciated real moral grandeur, that group of men in the Treasury at Washington would bulk as large in history as Wellington, Hill and Picton on Mont Saint Jean, at Waterloo, or Mead, Hancock, Sedgwick and Hunt in the old farmhouse on the Taneytown Pike south of Gettysburg. It was cheap and easy when victory had been won and the country's credit reestablished to revile the parties to this contract for having made money. But what if they had lost. What if free silver had triumphed

in 1896, and the bonds for which they paid a premium in gold had been paid in a fifty-cent silver dollar? This was the risk they ran. All honor to the patriotism and courage that inspired them to run it. Honor above all to our great leader in that glorious war—Grover Cleveland.

This contract did the business. The enemies of the country's credit saw that at last the whole financial power of Europe and America was united in its support. Against such a combination their efforts were futile, and they ceased.

But it must not be supposed that the task undertaken by Morgan and Belmont and their associates was easy or financially profitable, even in its successful result. To quote again from Stetson<sup>1</sup>:

The maintenance of the syndicate stipulation to protect the gold reserve from withdrawal, was so costly that the American syndicate realized only five per cent. in interest, and that its counsel never asked or received anything for the discharge of what in his judgment then, as now, was a patriotic duty.

By this time the wave of popularity which carried Grover Cleveland into the White House had spent its force. He was bitterly assailed on every side. Partisans complained because he could not satisfy all the applicants for office. On the other hand many reformers thought that he yielded too much to political considerations, and charged that he had used the patronage of the Government to effect the passage of the bill repealing the Sherman Act of 1890.

<sup>1</sup> Address, N. Y. Chamber of Commerce, June 1, 1911.

The free-silver men attacked him. He had been their persistent opponent since his first annual message (December 8, 1885), in which he pointed out the disastrous consequences which were sure to follow from a continuance of the policy embodied in the Bland bill of 1878, which required the purchase and coinage of not less than two million dollars worth of silver bullion per month. The consequences Cleveland then predicted came. The financial safety of the country was jeopardized. Capital began to shrink from trade. Investors became unwilling to take the chance of the questionable shape in which their money might be returned to them.

These causes culminated in the panic of 1893. Cleveland was in office and inconsiderate people held him responsible for that which he had done his utmost to avert.

Again, Hill's course in the Senate had been unfavorable. As the sole Democratic Senator from his own State, this was especially embarrassing. If he had continued that loyal support of Mr. Cleveland which he expressed in his message of January 6, 1885, and in his speech at the Young Men's Democratic Club, March 27, 1885, he would have rendered his country service.

By the sixteenth of April, 1894, it seemed as if the vision splendid which attended Mr. Cleveland when he came into office had faded into the light of common day. I felt it my duty to write an article for the *Times*, which was published that day, in which I defended the Administration and expressed my faith not only in the sincerity but the wisdom of Cleveland. I gave this description of one of his most serious difficulties:

There is one difficulty Mr. Cleveland has had to face—which I mention last—the opposition of a small band of Democratic malcontents. They may fairly be called Mugwumps, inverted Mugwumps, for they are not bound by party ties nor amenable to party discipline. That Senator Hill should be their leader is natural. Those who know him, and have watched his devious career, know that he is a Hill man, and not a Democrat. Never has he for the sake of Democratic principle given up one jot of Hill interest or Hill revenue. But “that Jemmy Twitcher should peach, I own, surprises me.” Mr. Berry of Arkansas has recently made an appeal for reelection on the ground that he is a consistent, loyal Democrat. Yet he combined with a small minority of his own party and a large majority of the Republicans to embarrass and thwart the only Democratic Administration we have had for over thirty years.

All the more let those who do favor a tariff for revenue, free trade, and sound currency, the traditional doctrines of the Democratic party, rally round the Administration, and give it that support and confidence without which no Administration can hope to succeed.

To my great surprise I received the next day the following letter in Cleveland's own handwriting:

EXECUTIVE MANSION, WASHINGTON,  
April 16, 1894.

MY DEAR MR. WHEELER,

I thank you from the bottom of my heart for your letter in the *New York Times* of to-day.

It is very refreshing in the midst of much misconception and prejudice and ignorance and injustice to know that there are some who are inclined to be just and fair.

There never was a man in this high office so surrounded with difficulties and so perplexed and so treacherously treated and so abandoned by those whose aid he *deserves*, as the present incumbent.

But there is a God, and the patriotism of the American

people is not dead; nor is all truth and virtue and sincerity gone out of the Democratic party. The delay may be discouraging and our faith may be sorely tried, but in the end, we shall see the light.

Yours very sincerely,  
GROVER CLEVELAND.

This letter I cherish as one of my most precious possessions.

One phrase of his at the time of the opposition he encountered in the Senate is worth recording. When some of his friends urged upon him the expediency of conceding more to the Hill faction in the Senate than Mr. Cleveland thought right, he answered: "I was not elected President, by and with the advice and consent of the Senate." He always felt that he represented the American people, and that it was his duty to maintain the interests of the whole people against every local faction and special interest.

Meanwhile Charles S. Fairchild had become chairman of the Committee on Sound Currency of the Reform Club. E. Ellery Anderson, Henry deForest Baldwin, William J. Coombs, James Speyer, Calvin Tomkins, William L. Trenholm, John DeWitt Warner, Horace White, Louis Windmüller and myself were among the members.

After careful consideration we came to the conclusion that it was important, not only to defeat the advocates for the free coinage of silver, but to educate the country on the subject of the whole financial system. We had numerous offers of coöperation from outside individuals, committees and organizations. We kept in touch with

them, supplied them with speakers and with literature. We began with holding meetings at the Reform Club, and with the delivery of addresses there. One of the most effective of these was from the chairman of the committee.

The election of 1894 resulted in the return of a Republican House of Representatives. The Democratic party had become hopelessly divided on the currency. It became all the more important for sound-money Democrats to stand to their guns and we did. The public interest in the question of sound currency had greatly increased, and the Reform Club received invitations from all over the country to provide speakers at meetings held to consider the subject. An effective series was one of forty meetings held in Indiana and addressed by William D. Bynum, who had been a member of Congress from that State, and was one of our most loyal friends.

Among the best pamphlets which we published as part of our periodical known as *Sound Currency*, which was issued monthly, was a paper by Horace White on National State Banks; another by Henry L. Nelson, who was then editor of *Harper's Weekly*, and afterwards Professor of Economics at Williams College, on Bi-metallism in History, one by John DeWitt Warner on the Currency Famine of 1893, and another by William L. Trenholm on The People's Money. In all, we issued twenty-four pamphlets and published 1,637,000 copies during the year ending November 30, 1895. We had a subscription list for *Sound Currency* of 15,000. We sent out advance copies of this periodical, together with a synopsis, to the

principal newspapers of the country. We furnished newspapers with copies for distribution. We supplied broadside supplements sufficient to accompany the full editions of coöperating local papers in every part of the country. They had an aggregate circulation of 563,800, and we thus distributed nearly 3,000,000 printed sheets.

Another method of circulating literature was through "plate matter" agencies. A full newspaper page at a time was sent to papers with from 1000 to 10,000 circulation. We supplied these to 648 newspapers with an aggregate circulation of 925,017. We had a special bureau for cartoons. A corps of artists headed by Mr. Dan Beard tried to keep up with the constant demand. We circulated publications of other houses, not only from our New York office but from an office which we opened in Washington. We sent literature to delegates to different conventions in the different States and put in circulation about 300,000 copies of a speech of Mr. Carlisle, in Kentucky, and of Mr. Hoke Smith, in Georgia. He is now (1916) Senator from that State.

The total of our circulation during the year 1894-95 was over 9,700,000 sheets, the majority of which were illustrated. Following the example of the Tariff Reform Committee we compiled a currency *Red Book* which was useful to speakers and contained the best of the literature published by the Reform Club on the subject of the currency. In view of all the discussion that has since taken place in regard to our banking system, we are proud to have issued as long ago as March, 1895, the following platform:

Pledged to oppose all *fiat* money, we recognize in the legal-tender greenback the worst form of such currency, and urge the payment by Government of its demand notes, and their final withdrawal from circulation, as the financial reform first in importance.

We appreciate that attempts to secure forced currency for depreciated silver, or to regulate by law the value of silver as compared with gold, are most virulent phases of fiat money agitation; and we consider provision for a safe and elastic bank-note currency as not merely a desirable adjunct of greenback retirement, but a proper means to obviate any fear that our currency may become too restricted.

Perhaps no political work was ever done more economically than the work of this Sound Currency Committee. During the year ending November 30, 1895, our total expenses were only \$52,029.05.

Never was there a more unselfish or more successful political propaganda than that of the Reform Club from its organization down to the end of 1896. If leaders of the Democratic organization in New York had possessed political vision they would have recognized the power of the political sentiment which the Reform Club represented, and selected as a candidate for the United States Senate, in January, 1894, when the Legislature again became Democratic, a man like Rufus W. Peckham, Frederic R. Coudert, E. Ellery Anderson, or Charles S. Fairchild. But Mr. Hill, with all his acuteness, had a narrow mind. To use the phrase of Rudyard Kipling—"There was too much Ego in his cosmos." He was jealous of Cleveland. He failed to see that even from the most selfish standpoint the coöperation of Cleveland and his friends was as important to him as his was to them.

Accordingly in spite of the protest of Cleveland himself, and of his friends in the State of New York, Hill put forward as a candidate for the United States Senate, Edward Murphy, of Troy. He was elected in January, 1894. He was a dummy in the Senate, voted as Hill directed, and had no mind for anything superior to the collars and cuffs which were manufactured by his Troy constituents. He secured a good duty on the foreign article. That was his achievement as a Senator from the Empire State. The result was the complete defeat of the Democratic party in the State of New York in the November election of 1894 and the ultimate retirement of Hill from politics. His rise and fall furnish a useful study for ambitious politicians.

The Reform Club continued its activities in the cause of sound currency during the years 1895 and 1896. But with the disposition to provide only for an emergency, which is characteristic of the Anglo-Saxon race, Congress failed to make any provision for the amendment of our banking system, and not until the year 1913 was the subject seriously taken up by any administration.

One of the most effective of the publications of the silver men, during the period I have mentioned, was a little book by W. H. Harvey, called *Coin's Financial School*. This purported to be a series of lectures upon financial subjects and was stuffed with falsehoods. Thus, for example, Lyman J. Gage, of Chicago, was obliged to say of it: "I never attended any such lecture. I never asked any such questions or made any such answers as are there set forth. It is a fabrication from beginning

to end." Perhaps the best reply to it was made by Horace White in a pamphlet, which he called *Coin's Financial Fool*, and in which he exploded the whole series of misrepresentations. I myself tried my hand and wrote a little book called *Real Bi-Metallism*. The Putnams published it in their series of "Questions of the Day."

I was glad to receive a letter from Mr. Cleveland which expresses so clearly the principles which actuated his conduct that I quote it:

GRAY GABLES, BUZZARDS BAY, MASS.,  
June 30, 1895.

MY DEAR SIR:

I thank you for a copy of your book entitled *Real Bi-Metallism*, which I have read with a great deal of interest. I especially like the last chapter as containing something which at some time in the discussion will be a powerful argument in arousing our people to the hateful features of free coinage. I mean the presentation of the question in the lights of national honesty and morality, raising the subject higher than a consideration of ease in paying debts by an augmentation of our currency, and discrediting appeals to the cheating instincts and silly prejudices.

You know I always had faith in the ultimate return of the American people to their natural love for fair dealing and sound morality.

Yours sincerely,  
GROVER CLEVELAND.

In 1896, Bryan was nominated by the Democratic Convention on a free-silver platform. It was the Reform Club which led the movement for a third ticket. Our members joined with Sound Money Democrats all over the country in calling a convention at Indianapolis. We

nominated for President, John M. Palmer, of Illinois, who had been United States Senator from that State, and for Vice-President Simon Bolivar Buckner, a distinguished Confederate general from Kentucky.

The following letters show clearly the political conditions of that campaign:

NEW YORK, July 31, 1896.

MY DEAR MR. WHEELER:

I have just received yours of to-day enclosing a letter addressed to Hon. Charles Tracy. I am glad to see that you called his attention to the danger of the talk about bi-metallism. I have taken the same position for a long time and told the Chamber of Commerce Committee eight months ago that if they passed resolutions suggesting international bi-metallism as an ultimate result, that they were but furnishing fuel to feed a dangerous flame. I assure you that it is no satisfaction to see my predictions verified in this almost terrible manner.

Yours truly,

CHARLES S. FAIRCHILD.

The next is from one of the leading lawyers in Texas, Major M. F. Mott, of Galveston. He had served with distinction in the Confederate Army. I had come to know him while I was settling the estate of Paul Spofford.

The fanatical wave of free silver which spread so rapidly over the West and South seems to have reached its culmination. Still there is great danger that the wave may not recede sufficiently before November to prevent the election of Mr. Bryan. A plethora of agricultural and manufactured products and no markets, or with markets which do not pay the cost of production, together with an immense army of unemployed people, has created a desire for a change. The ordinary man looks at the condition as he finds it, and not

being able to analyze or find the causes, jumps to the conclusion that any change would be beneficial. And the demagogue is engaged in trying to convince the masses that free silver will be the panacea for the ills which surround them. I honestly believe that the hope that any change will be better than the present condition is the motive which induces a majority of the advocates of Mr. Bryan and his Populistic platform to enlist in his ranks. But no matter what are the causes, the serious fact remains that McKinley's election is by no means assured. And the Republicans of the North and East should not blind themselves to the threatened danger, but on the contrary exert their utmost efforts to prevent the consummation of such a disaster. You ask me whether a national Democratic ticket would insure the electoral vote of Texas for Mr. Bryan. My candid opinion is that such a ticket would take more votes from Mr. Bryan than it would from McKinley in this State. There are thousands of Democrats who cannot be induced, under any circumstances, to vote a Republican ticket. The memory of reconstruction, the repeated efforts of the Republicans to fasten a force bill upon the country, and their efforts to bring about social equality, will deter them from supporting McKinley. And if there is no ticket which they can honestly support, the chances are that many of them, under the glamour of the name of democracy, will be found voting for Bryan in November. Give them, however, a national ticket and they will cheerfully support it. There are a good many old-time Democrats in this State who will vote for McKinley as a choice of evils, and as the only way to defeat Bryan. A third ticket will not induce them to change; whereas a third ticket will take away votes from Bryan. It is difficult now to forecast what will be the result in Texas. With a Democratic majority of over one hundred and fifty thousand, it is almost impossible to make any combination which will bring about a change. There is, however, great dissatisfaction among the Democrats of this State with the present state administration and the ring by which it has been controlled for the past eight years. There is

a strong desire to break down this ring and get rid of its corrupt machine. If the present Governor is renominated, which is almost certain, thousands of Democrats will vote for the nominee of the Populist party, simply to bring about the defeat of the present ring administration. There has been some talk about a fusion between the Republicans and the Populists of Texas upon a division of electors, with the understanding that the Populists are to have the state offices. If this fusion is brought about and carried out in good faith, I think the chances would be even between McKinley and Bryan. So much for the condition of affairs in this State. . . .

The truth is that the Populist party is composed largely of the small farmers who have come into the South from the middle and northwestern States since the war. The old slave-holders, myself amongst the number, have always been Democrats because that is the party which gave us protection; and the majority of them are now sound money Democrats. If you have an opportunity, suggest to Mr. Cockran and our other Democratic friends in the North to avoid this issue, and cease stirring up of sectional strife. The great Monroe Doctrine message of Mr. Cleveland, and the action of Congress immediately thereafter, removing all disabilities from Confederates, seemed to have put an end to sectional issues, and Mr. McKinley in one of his great patriotic addresses has alluded to that fact. It will not do for northern Democrats to keep it up; and while Mr. Cockran's expression might be treated as a rhetorical figure of speech, it none the less will have its effect.

We made a vigorous campaign for Palmer and Buckner in some of the States where the vote was likely to be close, notably in Indiana. The ticket was not for success, but for conscience' sake. It received Democratic votes enough in Indiana, Kentucky and Maryland to enable McKinley and Roosevelt to carry those States, and that gave them a majority in the Electoral College. In short, it was a great

battle for honest money and the maintenance of American credit. We fought it bravely, we fought it successfully, and I am glad to be able to give this brief history of the campaign. Probably most of those we defeated are now satisfied with the result.

Mr. Bryan was again nominated for the Presidency in 1900. His defeat in that year was even more complete than in 1896. McKinley's plurality was 849,790, and his majority in the Electoral College was 95. No attempt has been made since that time to put the currency of this country on a silver basis, and it may fairly be considered that the gold standard is finally established. On this solid foundation we were able to establish a more flexible and harmonious currency system. The educational campaign of the Reform Club now bore positive fruit. The statesmen and financiers of the country combined in the preparation of legislation for this purpose. The Federal Reserve Act became a law December 23, 1913. Under this law the banks conduct in an orderly way and under the supervision of the Government what they attempted to do before by the medium of clearing houses in the great financial centers. Circulating notes known as federal reserve notes may be issued against commercial paper with a minimum gold reserve of forty per cent. The operation of the system has been altogether satisfactory. At the outbreak of the war in Europe in August, 1914, the cooperation of the federal reserve banks carried us safely through the financial difficulties incident to the great change in commerce that was the necessary result of this titanic struggle. We may fairly believe that such panics

as cursed the country in 1837, 1857 and 1873 are now impossible.

Webster's great argument in *McCulloch v. Maryland*, convinced the Supreme Court of the soundness of the principles of constitutional construction, the application of which led the court to decide, March 7, 1819<sup>1</sup>:

The government of the Union, though limited in its powers, is supreme in its field of action. This would seem to result necessarily from its nature. It is the government of all. Its powers are delegated by all. It represents all and acts for all. . . . The government, which has the right to do an act and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means.

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution are constitutional.

Against these principles, Andrew Jackson vainly struggled. He had the constitutional power to veto the bill which was passed by Congress in 1832, extending the charter of the Bank of the United States. Webster's argument in the Senate did not convince Old Hickory, but it has convinced the people of the United States, and the power which he then advocated is now exercised without question and with the most beneficent results.

<sup>1</sup> *Webster's Works*, vol. iii., p. 437; 4 Wheaton 316; 4 Wheaton 405, 409, 421.

## CHAPTER XI

### CIVIL SERVICE REFORM, 1880-1916

Civil service reform is so fundamental that all other reforms must rest upon it.—*Charles W. Eliot.*

DURING the decade from 1870 to 1880, the public conscience of the nation was aroused. The enormous expenditure which accompanied and followed the Civil War and the development of railroads and manufactures which was incident to that great struggle, had brought forward men to whom politics was a gainful trade and who were ready to accept for their private profit the opportunities afforded by governmental activity. As they were making politics a trade, they thought it legitimate to make government offices and the ballots of voters part of the merchandise. The abuse of the power of appointment and removal, which began in the Administration of Andrew Jackson, had not abated. Not all the eloquence of Daniel Webster sufficed to diminish its intensity. To use his own expression in 1832:

There is no civilized country on earth in which on a change of rulers there is such an inquisition for spoil as we have witnessed in this free republic. When, sir, did any British Minister, Whig or Tory, ever make such an inquest? When





CARL SCHURZ

did he ever get down to low-water mark to make an ousting of tide-waiters? When did he ever take away the daily bread of weighers, and gaugers and measurers? When did he ever go into the villages to disturb the little post-offices, the mail contracts, and everything else in the remotest degree connected with Government? A British Minister who should do this and should afterwards show his head in a British House of Commons would be received by a universal hiss.

In his delightful *Reminiscences of a Long Life*, Carl Schurz expresses his own similar observation of the occupation of Congressmen in 1852.<sup>1</sup>

These evils had gone on progressively increasing. As part of the trade a system had sprung up of assessing officeholders. This reached its culmination during the campaign of 1880. Assessments were openly levied throughout the country in aid of the campaign for Garfield and Arthur. A New York police justice took a room at the Astor House, took off his coat, sent for all the clerks in the post office across the street, and levied a tax on each. The moneys thus accumulated were partly spent in legitimate expenses, but were also expended in bribing voters. Dudley's expression of "marshaling the floaters in blocks of five" described what took place not only in the Indiana October election of 1880, but in many other States.

This increase of corruption in politics ran side by side with an increased zeal for reform and a quickened political conscience. Governor Tilden and his associates in New York and President Hayes and his Administration at Washington, had shown that it was possible to administer

<sup>1</sup> Vol. ii., pp. 26-27.

the government honestly, and to use the power of appointment for the public good. With William M. Evarts as Secretary of State and Carl Schurz, as Secretary of the Interior, an administration could hardly go far astray. In 1877 the President established in the Custom House and Post Office of New York, and Mr. Schurz in the Interior Department, a system of selecting clerks and other employees on the ground of merit only. They refused to make removals except for cause. It was not in vain that Rev. George L. Prentiss had made an address published in 1877, on our "National Bane," or the "Dry Rot in American Politics." Dr. Henry W. Bellows, whose activity not only in the religious work of his own church but in the Sanitary Commission during the war, should never be forgotten, and many other leading clergymen did their part as prophets of righteousness. It is not surprising, therefore, that a few reformers met in May, 1877, at the house of Dorman B. Eaton in New York City, to consider the formation of a Civil Service Reform Association. They summoned friends to aid them, and met at Municipal Hall, 67 Madison Avenue, New York City, on the sixteenth of May, 1877. There the first Civil Service Reform Association was formed. Its president was Dr. Bellows, and Dorman B. Eaton was entrusted with the task of formulating legislation. He had made a study of the reform system in England, and had written and published a book upon the subject. He had retired from the active practice of the law, and was qualified, in heart and intellect, to deal wisely with the growing disease in the body politic. -

The abuses during the election of 1880 stimulated public interest, and the association was reorganized in December of that year. George William Curtis, a man never to be mentioned without reverence and gratitude, became its president. He had been one of the founders of the Republican party. Perhaps no man had greater influence with its better element. It was thought best that a Democrat should be appointed chairman of the Executive Committee, and I was honored with that position.

This selection was in part the result of an article of mine in the *Post*, in which I had criticised the Independent Republicans for supporting Garfield as against Hancock, and pointed out how much more Civil Service Reform had to expect from the Democrats than from the Republicans, who had been using the spoils system for twenty years for their political profit. Mr. Godkin called me to enter the Reform Association, and I obeyed.

To elucidate the story of 1882 it is necessary to recur to the administrations of President Grant and President Hayes. The former was sincerely interested in the reform of the Civil Service. He saw that it was inconsistent with efficient administration to make appointments in the Civil Service the reward of political activity or to dismiss competent officers to make room for political supporters, and that to permit officers of the government to request from other officers contributions for political purposes was to put upon the recipient of such requests moral coercion. He undertook to establish a system in some of the government offices, by which appoint-

ments and promotions should be made on the ground of merit. But Congress was busy with more exciting topics. He could get no appropriation for the necessary expenses of the reform administration, and dropped it. But he did succeed in impressing upon Congress the importance of legislation in reference to the levying of political assessments.

On the fifteenth of August, 1876 (Chapter 287 of the laws of that year), an act was approved providing that

All executive officers or employees of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving, or receiving from any other officer or employee of the Government any money or property or other thing of value for political purposes.

When Hayes became President he determined to enforce this law, and accordingly issued on the twenty-second of June, 1877, the following executive order:

No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes on officers or subordinates should be allowed. This rule is applicable to every department of the civil service. It should be understood by every officer of the general government that he is expected to conform his conduct to its requirements.

When Garfield became President the Civil Service reformers hoped that he would remember a statement he

had made in Congress, that these requests are made of employees with the distinct understanding that "unless they pay that per cent. of their salaries, others will be found to take their places who will pay the assessment." Had he lived, he might have been as resolute as his predecessor to break up the mischievous practice. But he was assassinated on the second of July, 1881. During his long illness, the old politicians felt at liberty to renew the levy of assessments upon officeholders. Accordingly they deputed Gen. Newton Martin Curtis, who was special treasury agent under the United States Government, to occupy a room in the Post Office Building in New York City, and send out circulars to Federal officeholders asking for contributions for the Republican campaign fund of 1881. He was undoubtedly advised that he had the right to do this and that the Act of Congress, which has been quoted, was unconstitutional. He did it with as much boldness as he had headed a charge on the Confederate batteries at Fort Wagner. He was a handsome man, six feet three inches in height, and frankness was part of his constitution. He never bore malice against the Civil Service Reform Association for their prosecution of him. He and I became very good friends afterwards, and I read with interest his graphic description of his military experiences *From Bull Run to Chancellorsville*.

The boldness of the demand attracted general attention, and the New York *Herald* appealed to George William Curtis and myself, "to check and reform such practices." It did me the honor to style me a "learned and public spirited lawyer" and declared:

The Association cannot do better service in the cause for which it is professedly organized than to test the question in the courts. . . . Has this Society the courage for the undertaking, or does it confine its operations to barking—not biting?

Mr. Curtis and I did not need the appeal, but it strengthened our position to have the vigorous support of the *Herald*. We brought the matter to the attention of Gen. Stewart L. Woodford, the attorney of the United States for the Southern District of New York, and convinced him that General Curtis should be indicted for the violation of the statute which has been quoted. Indictment was found, and the case came on to be tried before Judge Benedict and a jury in 1882. Edwin B. Smith, who was retained by the Republican Campaign Committee, appeared as counsel for General Curtis. The fact of his requesting payments from Federal employees was not denied. His counsel argued that the act was unconstitutional. Judge Benedict overruled this defense. The jury found a verdict of guilty and the judge fined the defendant \$1000. The question was considered of such importance that counsel on both sides agreed in asking that the motion in arrest of judgment should be heard before the full bench of the United States Circuit Court. It was then possible that several judges of that court should sit together to hear such motions. Accordingly William J. Wallace, Charles L. Benedict and Addison Brown heard the cause.

The counsel for the defendant maintained that Congress had no power to limit the freedom of any citizen to give

his money wherever he liked, and that a person, by accepting a position in the government of the United States, did not part with any portion of this natural freedom. The judges saw through the flimsy veil; recognized that an officeholder who is asked by another officer of the government to make such contribution is really under moral coercion and that, if permitted, the practice would become legalized blackmail. Accordingly they denied the motion, and judgment was duly entered, July 20, 1882.<sup>1</sup>

Mr. Frederick W. Whitridge, who had been associated with me by the Civil Service Reform Association as their counsel in the prosecution of this charge against General Curtis, assisted me in the preparation of the case and of the briefs upon the hearing in the Circuit Court.

After judgment had been entered, Curtis submitted to imprisonment, and his counsel sued out a writ of *habeas corpus* from the Chief Justice of the United States, alleging that he was unlawfully imprisoned, because the act under which he was convicted was in violation of the Constitution of the United States. Chief Justice Waite ordered this to be heard before the Supreme Court. In October I applied for leave to submit a brief on behalf of the Civil Service Reform Association. The Attorney-General consented. The counsel for Curtis objected, but the Chief Justice was good enough to say, "We are always glad to hear from Mr. Wheeler." The motion was granted and the brief submitted. The Court held the statute constitutional.<sup>2</sup>

The Chief Justice in delivering the unanimous opinion

<sup>1</sup> 12 Fed. Rep., 824.

<sup>2</sup> *Ex parte* Curtis, 106 U. S., 371.

of the Court stated the law in a clear and convincing manner, which was of great service in the campaign for Civil Service Reform.

A feeling of independence under the law conduces to faithful public service, and nothing tends more to take away this feeling than a dread of dismissal. If contributions from those in public employment may be solicited by others in official authority, it is easy to see that what begins as a request may end as a demand, and that a failure to meet the demand may be treated by those having the power of removal, as a breach of some supposed duty, growing out of the political relations of the parties. Contributions secured under such circumstances will quite as likely be made to avoid the consequences of the personal displeasure of a superior, as to promote the political views of the contributor; to avoid a discharge from the service, not to exercise a political privilege. The law contemplates no restrictions upon either giving or receiving, except so far as may be necessary to protect, in some degree, those in the public service against exactions through fear of personal loss.

If there were no other reasons for legislation of this character than such as relate to the protection of those in the public service against unjust exactions, its constitutionality would, in our opinion, be clear; but there are others, to our minds, equally good. If persons in public employ may be called on by those in authority to contribute from their personal income to the expenses of political campaigns, and a refusal may lead to putting good men out of the service, liberal payments may be made the ground for keeping poor ones in. So, too, if a part of the compensation received for public services must be contributed for political purposes, it is easy to see that an increase of compensation may be required to provide the means to make the contribution, and that in this way the Government itself may be made to furnish, indirectly, the money to defray the expenses of keeping the political party in power that happens to have for the time being the control of the public patronage. Political parties must almost necessarily

exist under a republican form of government, and when public employment depends to any considerable extent on party success, those in office will naturally be desirous of keeping the party to which they belong in power.

I must now turn to another part of the campaign. On the fifteenth of May, 1882, J. A. Hubbell, chairman of the Republican Congressional Committee, issued a circular signed by D. H. Henderson, the Secretary of the Committee, in which he appealed to Federal officeholders to make a contribution "for the protection of the interests of the Republican party in each of the Congressional Districts of the Union." The contribution "it is hoped may not be less than \$15." In point of fact it was generally understood that officeholders having a salary of \$1000, or less, were required to pay two per cent. of the salary, and those having a salary over \$1000 should pay three per cent.

Hubbell had been advised by no less a person than A. A. Freeman, who was Assistant Attorney-General, that the statute was unconstitutional. The decisions referred to had not then been made, and of course Freeman might lawfully hold such an opinion. But he further advised Hubbell that the statute did not apply to members of Congress; that they were not officers of the United States.

George William Curtis, as president, William Potts as secretary, and myself, as chairman, of the Executive Committee thereupon sent a letter to all Federal officeholders referring to the circular that had been sent and declaring:

We desire to inform you that in the opinion of counsel, as the members of the Committee are officers of the United States Government, you as an officeholder are liable under Section 6 of the Statute . . . to punishment by fine or removal from office, or both, in case you subscribe as requested. The National Civil Service Reform League proposes to bring the matter to the attention of the Attorney-General and other prosecuting officers of the United States, and until their decision is given we should advise you prudently to refrain from complying with the request of the Committee.

Thereupon we received a letter from Mr. Hubbell in which he said:

The law is misstated in your circular and the alarm you seek to create is without justification in the law. Your "counsel," to whom you vaguely allude, either misunderstands or perverts it. Disdaining to seek shelter behind any cover, I therefore challenge you to the steps necessary to an immediate determination of the degree of responsibility which is attached to this fact, and to the correctness of your circular, which I distinctly deny.

Thereupon Whitridge and I wrote Hubbell proposing to make a test case at once. We informed him of the motion in arrest of judgment which was to be argued in General Curtis's case, and that we had brought the matter of his circular to the attention of the prosecuting officer of the United States. We concluded with the paragraph:

In conclusion permit us to inform you that there is a very general fear among employees of the Government that if they do not make the contribution you request, they will be dismissed from the service of the United States. We have been appealed to by many whose families are dependent on them for support, who can ill spare the two per cent. you ask, but who cannot afford to lose their places and their meager income.

In the words of the late President Garfield, these requests are made of employees "with the distinct understanding that unless they pay that per cent. upon their salaries, others will be found to take their places who will pay the assessment." And we believe that a very large proportion of the money received by you from such officeholder is paid under duress. We will gladly join you in a letter to the President asking him to issue an executive order that no removal shall be made for a refusal to pay the contribution you request.

Freeman, on the twenty-first of June, wrote Mr. Curtis, declaring:

I have violated this statute knowingly and willfully by contributing money to the Republican Congressional Committee, to be used for political purposes. I have disregarded the statute because it is not the law of the land.

Curiously enough, Freeman, while giving this letter to the press, never sent it to Mr. Curtis, and we were not able to make legal proof against Freeman of his commission of the offense in question. Otherwise we should have had him indicted.

A curious comment upon the Hubbell circular appeared in the *Washington Post* at the time and tells the story from the standpoint of the Department Clerk at Washington:

Mr. Hubbell may tell us that these assessments are not in the nature of forced contributions, but he knows better. The employee who declines to respond becomes a marked man at once. There are a hundred hungry men in the corridor waiting for his place, only too ready to discount their salaries at whatever rate Mr. Hubbell may dictate; and the hesitating clerk or messenger, or laborer, or floor-sweeper, or water-boy whose bread and butter depends upon his stipend, has but one

alternative. There is no use in attempting to deny or disguise these facts. They exist in Washington, and their ramifications extend all over the country, leading to one common sewer of corruption.

Hubbell never made the test case. Whitridge and I were of opinion that the members of Congress were officers of the United States Government within the meaning of the Act.<sup>1</sup> But Attorney-General Brewster gave an opinion to the contrary, and we could not get an indictment against Hubbell.

In a letter which Charles J. Folger, then Secretary of the Treasury, wrote to one of the officials of his Department, he assured the public that no servant of the United States therein (in the Treasury Department) need feel the slightest pressure upon him to give if he did not wish to give. "I would have him think and feel and do as if, in the religious meeting house of his choice, the preacher should lay before him the needs of some cause."

Our faithful supporter in the press, Edward Cary, one of the editors of the *Times*, gave us the benefit of this editorial, which I cannot forbear to quote:

**NAY, THOMAS, IT IS RELIGION.**

There is a well-worn story of Margaret Fuller and Ralph Waldo Emerson going together to see Fanny Ellsler dance during her first visit to the United States in 1841. Eligible seats were procured in the front row of the parquet, and after gazing on the spectacle, speechless for some time, Miss Fuller remarked to her companion, "Ralph, this is poetry"—whereto

<sup>1</sup> The Supreme Court has so held, under a similar act, *Lamar v. U. S.*, 36 Supreme Ct. Rep., 535 (1916).

he responded, "Nay, Margaret, it is more than poetry—it is religion."

After contemplating the political assessment saltations of Jay Hubbell ever since the middle of the month of May with speechless admiration, Mr. Folger, President Arthur's venerable Secretary of the Treasury, is moved to an expression akin to the Concord philosopher's, and under date of July 25 he writes to Mr. Thomas, his associate in the Treasury Department, that he "may give to Chairman Hubbell without running foul of a penal statute," and adds, "I would have you think and feel and do as if in the religious meeting house of your choice, the preacher should lay before you the needs of some cause."

The organized opposition of the Civil Service Reform Association and the support it received from the public press encouraged many officeholders to refuse to contribute. Accordingly, on the fifteenth of August, a new circular was sent by Hubbell and Henderson in which the case was thus put:

It is hoped by return mail you will send a voluntary contribution equal to two per cent. of your annual compensation as a substantial proof of your earnest desire for the success of the Republican party this fall. Transmit by draft or postal money order payable to the order of J. A. Hubbell, Acting Treasurer, P. O. Lock Box, 589, Washington, D. C.

In the circular sent to the workmen employed in the subaqueous excavations at Hell Gate, the amount to be paid by each was fixed at not less than \$17.50. The pay of these men ranged from a dollar-eighty to three dollars per day.

A married rock-driller complained to the reporter that the demand for seventeen dollars and fifty cents from Mr.

Hubbell meant that he must give up enough money to pay a month's rent and five dollars and fifty cents besides.

When the Democratic and Independent journals attacked the Republican party for tolerating these assessments, the answer was made that the Democratic party was just as bad. To this we had the following rejoinder from Mr. Cary in the *Times*.

We have not a very strong faith in Democratic honor generally about political assessments, but we do know this—that when the Democrats came into control of the House of Representatives at Washington in 1875, and it was soon afterwards proposed in their Congressional Campaign Committee that the attendants in the House—clerks, doorkeepers, pages and the like—should be assessed in the way Senators Allison, Hale, Aldrich and their thirteen associates now are assessing them, the proposition was rejected, one distinguished Democrat indignantly remarking that it would be just as indecent as for a householder to extort a percentage from his servant's wages for his personal expenses.

And now let me return to the story of constructive legislation.

George H. Pendleton, Democratic Senator from Ohio, had introduced in 1880 a bill to provide for the reform of the Civil Service. The New York Civil Service Reform Association had attracted members from all parts of the country, and may fairly be called the mother of the many associations that have since sprung up and done such effective work in this noble cause. Its Committee on Legislation set to work on a bill which it should propose to Senator Pendleton as a substitute for his. It was aided by the counsel and experience of many associates in

different parts of the country. Among these especially should be mentioned Wayne MacVeagh and Carl Schurz. Dorman B. Eaton drafted the bill, and he, George William Curtis, Silas W. Burt, Orlando B. Potter and myself sat for many evenings revising the work. We communicated to Senator Pendleton what we were doing, and received prompt and generous assurance of his coöperation. Our bill met with his approval, and was introduced by him January 10, 1881. It was referred to a special committee. The Civil Service Reform Association had a hearing before that committee, and the committee reported in its favor early in the year 1881. But the session ended on the fourth of March, and the bill did not come up for a vote in the Senate.

A bill also drafted by the New York Association to extend the law against the levy of political assessments was introduced in the House by Mr. Willis, a Democrat from Kentucky. Both he and Mr. Pendleton were our cordial supporters and friends during all the Congressional controversies that followed.

President Garfield was inaugurated on the fourth of March. Guiteau's assassination of the President on the second of July showed the wickedness of the passions that were aroused by the prevailing system of political management and made a profound impression upon the public conscience. A cartoon, which had a great run at the time, represented Guiteau pointing a pistol at the President, with the cry, "An office or your life."

A conference of Civil Service Reform Associations assembled at Newport on the eleventh of August, 1881.

Mr. Curtis, who presided, introduced the following resolution, which was adopted:

**RESOLVED:** That the bill introduced in the Senate by Mr. Pendleton, of Ohio, provides a constitutional, practicable and effective measure for the remedy of the abuses known as the Spoils System, and that the Associations represented at this conference will use every honorable means, in the press, on the platform, and by petition, to secure its passage by Congress.

Of those who attended the conference I may mention Charles J. Bonaparte of Baltimore; Charles R. Codman, Richard H. Dana, Jr., Roger Walcott, afterwards Governor of Massachusetts and Augustus Hemenway of Boston; Charles Theodore Russell of Cambridge; George William Curtis, Silas W. Burt, Dorman B. Eaton, O. B. Potter, Carl Schurz and Dr. William H. Thomson of New York; Rev. Dr. J. A. Harris, W. W. Montgomery and J. G. Rosengarten of Philadelphia; Henry Hitchcock of St. Louis and Talcott Williams then of Springfield, Massachusetts.

Mr. Schurz said, "That small as the beginning might be, the movement commenced a work in its purpose and extent comparable only with the Anti-Corn Law League in England."

Speaking on the subject of removals he also said that "it was his experience that removals and changes were very rarely made for the sake of removal or change, that they came as the fruit of pressure for spoils."

The Boston Association had taken steps towards the publication in cheap form of one hundred thousand copies

of the Pendleton bill. The Conference voted to promote the circulation of petitions in support of its passage, and to approve the bill on the subject of political assessments. In a few closing sentences, Mr. Curtis made use of these memorable words:

We have laid our hands on the barbaric palace of patronage, and begun to write on its walls "Mene, Mene." Nor, I believe, will the work end till they are laid in the dust.

At this conference a National Civil Service League was organized. Its office was in New York. The agitation went on vigorously. Orlando B. Potter gave \$2000 to circulate in a broadside the utterances of Mr. Garfield on the subject of Civil Service Reform. This was printed in a form commemorative, as it were, of the great President who had meanwhile died at Long Branch. Over a hundred thousand copies were circulated.

The Reform propaganda extended to every part of the country. Associations were formed in many States. The press gave it efficient support, and when Senator Pendleton on the sixth of December, 1881, again introduced in the Senate the Civil Service Reform bill, as originally drawn by the Association and approved by the League, it met with general support.

Some objections were made to its details, the most important being that it might centralize the Administration too much at Washington, and that applicants in remote States would have no practical opportunity to apply for admission to the service. We drafted an amendment to the bill to obviate this objection. This required an

apportionment of appointments to the public service among the several States and Territories, and the District of Columbia. These amendments were approved by Senator Pendleton, and were incorporated in the bill as passed. The essential features of the draft were embodied in the act adopted.

1. A commission was created to have charge of the administration of the Civil Service of the United States Government.

2. Admission to and promotion in this service was to be upon the "basis of merit and competition." The fitness of applicants was to be ascertained by an open competitive examination, and all offices were to be filled by selection "from among those graded highest as the result of such competitive examinations."

The bill as drawn provided that original entrance to the public service should be at the lowest grade; but this provision was stricken out in the Senate.

Subject to general principles embodied in the act the making of rules for the administration of the system was left to the President, and the classification of offices which were to come within its scope was also left to him. We felt that the system was so great an innovation that it would be unwise to undertake at first to extend it to all branches of the public service. To inaugurate it would be a task of difficulty, and if too much were undertaken at once, the whole system might break down.

Thus the Pendleton bill came into being. It passed both Houses. A majority of the members of each party voted for it. It was opposed by some of the spoils-men,

who brought forward the hackneyed argument that it would create a permanent tenure of office and that there was something American in the hoggish scramble for spoils which had prevailed since it was introduced by Andrew Jackson. But the true American heart was too wise to be taken in by such trash, the bill as a whole met the approval of the American people, and was approved by the President, January 16, 1883.

Dorman B. Eaton was properly appointed chairman of the first commission. There were some Reformers who thought his administration too conservative, but they overlooked the curious streak of conservatism that runs through the American character and is constantly mingling with the progressive temper of our people. The result justified the wisdom of Mr. Eaton's general administration of his great and difficult office. We have gone on "conquering and to conquer." When the condition of the Civil Service of the country is contrasted with what it was in 1881, we feel devoutly thankful to Almighty God for the evident blessing that has attended our labors, and certainly congratulate the American people that it has supported the reform against the constant and insidious assaults of selfish and greedy politicians. The heart of the people has been right, whatever superficial indications there may have been to the contrary.

The next advance was in the State of New York. A bill was drafted by Edward M. Shepard and myself which applied to the service of that State the same principles which had been adopted in the Federal service. This was introduced in the Legislature early in February, 1883.

Besides persons in the employ of the State governments, there were two civil departments which we considered—counties and cities. The conditions of the different counties of the State were so diverse that it was not deemed expedient at that time to undertake any legislation in regard to county officers; and we apprehended that, if an attempt should be made to require municipalities to submit themselves to the new system, it might provoke opposition which would be fatal to the whole bill. The friends of the measure also considered that, unless popular sentiment could be developed in the cities to the degree of requiring the adoption, as a measure of local government, of the reform system, it would not be made effective, even if imposed by legislative authority.

The result of these views was the first Civil Service Reform bill adopted by any State in the Union. It provided a system for admission to the service of the State of New York. Then followed a section which made it optional with the mayors of cities having a population of over fifty thousand to prescribe rules for admission to the service of those cities, with certain exceptions, the chief of which were the educational, police, fire and health departments. The bill gave to the heads of these departments the same authority that was conferred upon the mayor. The remainder of the bill contained stringent clauses prohibiting the levying of political assessments, and giving the commissioners appointed under the bill the right to investigate the conditions and circumstances of all the local governments in the State, and to recommend such legislation as should be found expedient.

This bill received the support of the leading men of both parties in the Senate and Assembly, was passed almost unanimously just before the end of the session, and received the immediate approval of Governor Cleveland who at once sent to the Senate for confirmation the names of Andrew D. White, Augustus Schoonmaker and Henry A. Richmond as the first Civil Service Commission of the State of New York. President White declined, and the Governor appointed in his place John Jay, of New York. Their first meeting was at Albany, May 31, 1883. They appointed Silas W. Burt Chief Examiner. He had served on the Governor's official staff during the Civil War, and afterwards became Naval Officer of the Port of New York. He was a most intelligent administrator, and understood thoroughly how examinations should be conducted. In conjunction with the commissioners he made a careful study of the State Civil Service, and on the sixth of December, 1883, the rules for examinations and the classification of the officials subject to these rules were approved by Governor Cleveland. Their first report was made to him, January 28, 1884.

Immediately after the passage of this bill, the New York Association urged upon Mayor Edson to avail himself of the powers conferred upon him, and to adopt rules for admission to all the departments of the city government to which his power extended. Like applications were made to Mayor Low of Brooklyn and to Mayor Scoville of Buffalo by the local association. All three of these mayors adopted rules in reference to their particular cities. In addition to this, the Police Com-

missioners of Buffalo and the Police Commissioner of Brooklyn promulgated rules for admission to these departments of the city government. The working of the system, notwithstanding some defects incident to the adoption of any new scheme, was, on the whole, so satisfactory that the Legislature of 1884 amended the Act of 1883 so as to require the mayors of all the cities of the State, twenty-five in number, to adopt rules for admission to the service of all the departments of those cities, except the educational departments. These rules were required to embody certain provisions prescribed by the act itself, similar to those embodied in the Federal Act. After consultation with the State Commission, rules were accordingly adopted by the mayors of most of the cities in the State. Shepard was charged by Seth Low, who was then Mayor of Brooklyn, with the duty of preparing rules for that city. Franklin B. Edson, who was Mayor of New York, commissioned me to draw the New York rules. There was a friendly rivalry between Shepard and myself as to who should first submit rules for the approval of the State Commission. The result was that the rules for each city were approved at the same time. He became chairman of the Brooklyn Commission, and I of the New York Commission. Edwin L. Godkin, and my classmate in Harvard Law School, E. Randolph Robinson, were my associates. We continued in office throughout the successive administrations of Mayors Edson, Grace and Hewitt. When Hugh J. Grant took office as Mayor, January 1, 1889, he had no further occasion for our services.

Russell Sturgis was our first secretary. A more com-

petent one could not have been found. We took a small house for our offices, which was none too large for the proper conduct of examinations. When Mayor Grace came into office January 1, 1885, he seemed to think that the business of the commission could be done in any old place, turned us out of our quarters, assigned us a small room in the City Hall, and required us to conduct our examinations wherever we could find a vacant room. The City College allowed us the use of some of its rooms. We obtained quarters wherever we could. The work was thus done under great disadvantages, but it was done, and justified itself. After a while more decent quarters were assigned us, and the Civil Service Department is now as well housed as any branch of the city government.

This conduct of Mayor Grace reflected the sneer common at the time among politicians, that Civil Service Reform was (to use the phrase of one of the Washington brethren) "the colossal fraud and humbug of the age." Mayor Grace did not think this, but he wanted to be practical and economical, and the Civil Service department was an easy victim.

The commissioners in every city worked without salaries. In New York, we paid our own expenses, I presume other commissioners did the same. We were determined that no personal grievance should interfere with the embodiment in municipal government of the merit system.

The principal difference between the rules which I drew and those drawn by Shepard was this: He assigned to the commissioners the actual conduct of the examin-

ations. This was the practice at first in all the cities of the Empire State except New York. I knew too well the magnitude of the task in that city, to adopt this method, and provided for the appointment of examiners. Police Inspector Byrnes and Fire Battalion Chief Bonner served for years in this capacity, without any compensation additional to their regular salary, and were efficient and intelligent.

This civil service legislation omitted any reference to the tenure of office. The theory of this omission was aptly expressed by Mr. Curtis: "If you take care of the front door, the back door will take care of itself." The root of most unwise removals from office is the desire to put someone in the place of the person removed. The appointing power is beset by political leaders who have friends to reward, and enemies to punish; a place must be made, and somebody is turned out in order to provide one.

An amusing instance occurred during my term as Civil Service Commissioner. The Commissioner of Jurors requested that the position in his office should be put on the exempt list. We asked him why. His answer was that he wanted men under him whom he thought were competent. Our reply was: "There is nothing in the Civil Service Rules which prevents you from removing men who are incompetent. If there are any such in your office, you have the right to remove them." His answer was: "Why should I remove a man unless I can put the man I want in his place?"

In this respect the new system is in contrast to that

which prevailed in the city of New York before its adoption. This gave to the heads of departments a tenure practically permanent during the term for which they were appointed and to the chiefs of bureaus, to clerks, to policemen, and to firemen, a right to hold the offices to which they were appointed until removed for cause. The courts have the right to review the proceedings. This places difficulties in the way of removing unfit persons, and the service is prejudiced. Warned by these evils, the framers of the new legislation made no attempt to regulate the tenure of office, but confined themselves exclusively to prescribing rules for admission to the service. In later years the power of removal has been restricted. In July, 1897, President McKinley promulgated a rule that an employee in the classified service be furnished with the reasons for removal and allowed an opportunity to reply thereto before he can be removed. The opportunity to reply was partially taken away by President Roosevelt in 1905, but restored by President Taft in 1911.<sup>1</sup>

A similar rule has been adopted in some other jurisdictions. In Chicago the employee is given a hearing before the Civil Service Commission.<sup>2</sup> This method is better than the court review.

This reform legislation embodies the theory that the offices of government ought not to be the prizes of political activity or the rewards of personal friendship, but that they should be given, as far as possible, to the most suitable persons. Any citizen of good moral character

<sup>1</sup> *Report*, N. C. S. League, 1911, p. 52.

<sup>2</sup> *Ibid.*, 1912, pp. 101-113.

may apply for an appointment, and he has a right to be examined as to his fitness by a board of competent examiners.

In order to preserve harmony of action in the conduct of these examinations, there is a supervisory board which regulates the manner in which they shall be conducted and considers complaints that may be made in reference to the action of the examiners and their administration of the rules. In the Federal and State service, this supervisory authority is known as the Civil Service Commission.

The third distinctive feature of these systems is that of competitive examinations. In 1851 an attempt was made to regulate admission to some branches of the Federal service by requiring that no person should be admitted to any one of them until he had passed an examination as to his fitness. No person could be examined unless he was nominated by the head of the department or other appointing power. To reject a sole applicant was always a disagreeable task. Examiners felt that the future preferment of the applicant was dependent on their action. They were subject to the importunities of the applicant's friends. The practical result was that the examinations, long before the year 1880, had degenerated into a farce. In one case reported to me the only question asked was —What do two and two make?

In competitive examinations this is changed. What the examiners are required to do is to select from the whole number of applicants those who are most fit. This method has not in any department of the service been made universal. In departments requiring special expert

knowledge, it sometimes happens that there is only one applicant. In other departments, for which special qualifications are required, a certain preliminary selection by the head of the department or other appointing power is essential.

The fourth feature of the merit system is that which gives some latitude of choice to the appointing power. An examination, however well conducted, is not an absolute test. Local or temporary conditions may affect the candidate, and make him, though really most meritorious, fall behind one or more of his competitors. In order to meet this difficulty, it is provided that, after the examination has been had, the examiner shall make a list of those who are most meritorious as judged by the result of the examinations. This is known as the eligible list. When there are vacancies to be filled, a certain number—in some instances three, in others five—who are highest on this list as it stands at the time, are sent to the appointing office. From these he selects such persons as are required for the needs of the department. Those who are not selected remain on the eligible list, and have another opportunity for appointment.

The fifth feature is that of probation. There are certain qualities of efficiency that cannot be ascertained by preliminary examination; and, hence, the applicant when appointed submits to a probationary term, during which his capacity and fitness are tested by actual experiment, and it is only those who approve themselves upon such probation that receive final appointment.

One incidental advantage of the application of the

merit system to the city of New York was its tendency to unify the heterogeneous government of that city. The Police Department, for example, had been a separate corporation. When first created in 1857, its commissioners were appointed by the Governor. When Mayor Edson in 1884 prescribed rules for admission to the Police Department the commissioners waited on Godkin, Robinson and myself, and expressed surprise when told that they had become subject to the jurisdiction of the Mayor. It was a bitter pill, but wholesome and efficacious. The Police Department has never since been as active in politics as it was before that year.

There is probably no class of positions in the city government more sought for than those in the Police and Fire Departments. They are permanent, the salaries are good and persons disabled in the service are pensioned. There is also the right to retire on a pension after a certain term of service. The general scheme of examination for policemen and firemen is this: A schedule is provided which must be filled by the applicant, containing a detailed statement as to his health, his occupation and his experience. He is then examined by an official surgeon. The scheme of the surgical examination is to sift out the applicants who, by reason of bodily defect, would probably fail under the severe strain to which firemen and policemen are exposed. The applicant is next examined in reference to his physical aptitude. This portion of the examination was new. Experience indicated that a purely medical examination, while it tends to reject persons

of defective organization, fails to indicate those who have physical aptitude. One is as important as the other. A policeman might be in perfect health; yet, if the condition of his frame were such that he could not run, that he could not shoot with accuracy, that he could not hold his own in a scuffle with a burglar, he would be an undesirable member of the force.

The candidate must submit references from responsible persons as to his habits and reputation. Under the rules as originally drawn, in the case of policemen, the Captain of the Precinct in which the applicant resided was required to make personal enquiry, and to report the results of such investigation. In the case of firemen this duty of enquiry devolved upon the Chief of Battalion. Enquiries now are made independently.

These statements and reports are laid before the Examining Board. The applicant is then examined as to his experience in any position tending to qualify him for the service, and then as to what might be called his mental qualifications. He must be able to read, to write, to make a clear statement of the substance of matter orally communicated, to answer intelligently questions upon the rules of the Department relating to the duties of the position applied for: and he is further to be questioned, if the application is for a position as policeman, with reference to the location of streets, public buildings, and other subjects respecting which strangers in the city naturally inquire. In the case of firemen, questions are directed to the location of streets, and the location and construction of buildings, with especial reference to precautions against

fire. With these data the Examining Board makes up a statement of results.

The Police examiners, having previously given each applicant a copy of the rules of the Department relating to the power and duty of policemen, state to him cases, preferably actual cases, and ask the applicant what he would do under the circumstances indicated, and what his powers would be, should he be appointed a policeman.

Dorman B. Eaton took much interest in the application of the merit system to the municipal service. Let me here insert a letter which will show how ready he was, notwithstanding the pressure of official duties, to aid us in New York.

BRATTLEBORO, Vt., Aug. 27, 1884.

MY DEAR MR. WHEELER:

As you expressed a wish to see my letter about assessments, I enclose you a copy, which I had overlooked. You will see that I have appealed to the pride, self-respect and sense of duty of those in the service:—a kind of argument which I think will not be without effect. Indeed I know it has not been.

I will be much obliged to you if you will send me a copy of the Rules and Regulations recently adopted for the City of New York, whether relating to the Police or other departments.

In the notice I saw of them in the *Times*, it did not appear that the applicant was required to state what had been his occupation and residence for the last five or other number of years. In the National service we have found such a requirement to be in the highest degree salutary—indeed no other perhaps is so much so. It seems to me that to appoint a policeman without such a statement, under oath, concerning himself, is to needlessly forego a most valuable precaution.

Yours very truly,

D. B. EATON.

The cardinal rule in reference to all examinations is that they shall relate to such matters as will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. It is often said that the examinations test merely theoretical knowledge such as can be learned from books, and not practical efficiency. Examinations might be defective in these particulars but such would be in violation of the letter and spirit of the rules.

One criticism that was made in regard to the practical conduct of the examinations was derived from the hasty observations of a reporter. We had not convinced Mayor Grace that special apartments should be provided for the use of the Examining Boards. Many examinations during his term were conducted in the Greek Professor's room in the City College. Greek sentences were often seen on the blackboard. A reporter jumped at the conclusion that the applicants for positions in the departments were being examined on these Greek sentences, which were, however, the work of the college students, and had no relation to the Civil Service examinations. A criticism equally judicious was made by Thurlow Weed, when he said that many men who had been most successful in life would have failed to pass a Civil Service examination: and he instanced the case of George Law, who could hardly write legibly and who never wrote without making gross mistakes in spelling. Mr. Law was a successful contractor, but he was hardly the person one would have desired as a copyist, if he could not write and

could not spell. In clerical positions there can be no difficulty in ascertaining by actual test an applicant's readiness in writing. If you want a short-hand writer, his facility and accuracy can easily be determined from the results of dictation. If you want a type-writer, his work will speak for itself. A bookkeeper's acquaintance with that art can readily be determined by a person familiar with it. The examination that would be directed to testing an applicant's fitness for such positions would be different from that which would test the capacity of a nurse to care for the sick, of a prison guard to watch over the prisoners for whose safe-keeping he is responsible, of an engineer to supervise the construction of an aqueduct. There is no magic in a Civil Service examination: and, if the examiners are not intelligent and competent men, they will make mistakes, and the result of their examinations will not be satisfactory. But the same difficulty exists under the spoils system. In all cases there must be a selection. A dozen men apply for a place, and somebody must select from that dozen. Experience shows, wherever the new system has been adopted, that the clerks, engineers, orderlies and all persons selected under it, are, on an average, more competent and faithful than those chosen under the old system.

Take, for example, the New York Post Office. Letters are delivered now more punctually than they were thirty years ago. Mr. Pearson reported in 1883 that, "while the bulk of mail handled had increased in 1882 37.30 per cent. over that handled in 1874, the cost of the service required in handling it was twenty per cent.

less during the former than during the latter year."<sup>1</sup> A letter now (1916) mailed at Wall Street at noon is delivered in Seventy-first Street by five o'clock. Such dispatch was unknown under the old system. Appointments in this post office are made as the result of Civil Service examinations. Clerks who are to be employed in sorting letters are set to sorting letters: and their proficiency is graded from the result of this practical test. So, in the Custom House, the clerks who are to compute duties are assigned certain problems similar to those which will arise in practical experience. All Civil Service examinations should be practical. If not, they fail to accomplish their purpose.

Now, let me relate one of the most notable demonstrations that the friends of Civil Service reform ever gave. Senator Pendleton's term expired on the fourth of March, 1885. It had for years been customary in Ohio to have one Democratic and one Republican Senator. John Sherman was for many years the Republican Senator and George H. Pendleton took the place on the Democratic side, which had been filled by one of the ablest lawyers and one of the most upright men in the country, Allan Thurman. When the time came for the election of a Senator to succeed Pendleton the Democrats carried the Legislature. Mr. Payne had taken an active part in the canvass which resulted in the election of the Democratic Legislature in Ohio, and claimed an election to the Senate as the reward for his party services. He was a successful business man, but no one could pretend

<sup>1</sup> First report N. Y. State Civil Service Commission, p. 270.

that his competence for the great position of Senator was comparable to that of Pendleton. Nevertheless, a majority of the Democratic members of the Ohio Legislature voted in caucus for Payne as successor to Pendleton. Local aid in carrying an election weighed more with them than the great public service and the marked ability of the Senator. The Democratic minority and the Republican members of the Legislature offered to Pendleton to vote for him if he would accept an election at their hands. They were a majority of the Legislature and could have elected him, but his reply, as I was told at the time, was that he did not consider it consistent with his duty to his party to accept an election under such circumstances. Accordingly the decision of the caucus prevailed, and Payne became Senator from the State of Ohio to succeed Pendleton on the fourth day of March.

Cleveland recognized Pendleton's statesmanship, his high character, extensive acquaintance with affairs and unusual tact, and accordingly appointed him Minister to Berlin.

The Civil Service Reformers determined to give him a public dinner before he should sail. The story of that dinner can best be told in two contemporary documents. The first is a letter from Senator Bayard.

WASHINGTON, April 20, 1885.

HON. EVERETT P. WHEELER,  
NEW YORK.

DEAR SIR:

The formal invitation of the friends of Civil Service Reform to the dinner at Delmonico's on the 28th inst. in honor of

George H. Pendleton, came yesterday, and I have also your personal letter of the 15th.

My duties here will not permit me to leave Washington just now, or I should have availed myself of the opportunity to pay respect to Mr. Pendleton, and made expression of the great satisfaction with which I see him honored at any time, and especially as now in connection with reformation in the Civil Service.

The full results of the act introduced by Mr. Pendleton into Congress cannot be suddenly accomplished, but the principle once established, as I trust it now has been, the growth will be gradual and sure.

Recognition that the service of the public is the reason why offices are created, and public use, and not personal nor party ends, is to be the controlling object and intent in filling offices, is growing in the popular mind, and at last finding favor.

The ministerial officers who are competent and faithful are freed from apprehension of capricious reward as heretofore for partisan reasons and the good result of this cannot fail to extend more widely the rule of making merit and efficiency the test of obtaining and retaining office.

Partizan bitterness will be abated when official interference with elections is lessened—and “rewards and punishments” in the bestowal of office will come to be held an illegitimate use of power.

In the nature of things, reforms must be gradual, but a comparison of what has been witnessed since March 4th with that of any change in the administration for twenty years past, must compel the admission that reform has made real and gratifying progress in the Civil Service.

I hope it will steadily continue, and I am truly and respectfully yours,

T. F. BAYARD.

Bishop Potter also wrote:

Of all men in public life, he deserves to be especially honored for his courage in behalf of a cause alike unpopular and mis-

understood when he became its champion, and in behalf of which he has rendered service which I rejoice to believe his country will not easily forget. It is a matter of profound thankfulness that our country is to have so distinguished and competent a representative in the German capital.

The dinner was had on the twenty-eighth of April, 1885. In the *Post* of the next day Mr. Godkin gave the following account of it.

#### A WONDERFUL SPECTACLE

The dinner to Mr. Pendleton was very remarkable in more ways than one. It is not over four years since a proposal to hold a fête of any kind in honor of civil service reform would have been received with favor only by a handful of enthusiasts. Men who consider themselves practical would have cared as little for a fête in honor of universal peace. Last night, however, it was impossible to find room for nearly all those who wished to give Mr. Pendleton a dinner in recognition of his services in introducing the plan of filling the subordinate places in the public service by means of competitive examination. Every table contained men who within four years have been sneering at the "school-marm test" and treating advocacy of change as a proposal to establish the millennium. Such conspicuous Blaine champions as Messrs. Cyrus W. Field and Stephen B. Elkins lent their countenance to the idea which the dinner distinctly supported, that civil service reform was the most important question of the day, more important even than the "great continental policy" or the salvation of the working men from having their wages lowered by a ruthless free-trade administration.

In fact, there were reasons visible on every side for considering the assemblage one of the oddest that had ever been got together in that room. There were converts present whose experience must have been somewhat like that of Saul on his way to Damascus, in the matter of suddenness and completeness of conviction, mixed up with men who had been civil

service reformers for twenty years, but it was impossible to detect from outward signs which were which. Everybody present, to all outward seeming, had opposed the spoils system ever since he began to read. Mr. Pendleton's speech was a manly but very modest expression of the importance he attached to the movement, and of his own pride in the part he had played in it.

Every allusion to the President's sincerity in carrying out the reform was received with great applause. It was quite evident that the audience was not disposed to be too censorious over occasional stumbling and haltings as long as there was progress in the right direction. Not the least welcome and graceful part of Mr. Pendleton's speech was his acknowledgment of his obligations to Mr. Dorman B. Eaton in the preparation and pushing of his bill.

The obligations of the cause of civil service reform, in fact, to Mr. Eaton, are immense, and it is but fitting that on an occasion like this they should receive mention. Nobody has spent himself so completely in its service, has given to it so freely of his time and money, or has served it with so much knowledge and industry.

Perhaps the most gratifying and encouraging thing in the speeches was the general abandonment of the old doctrine that all that is necessary for the reform of civil service is "to turn the rascals out" and put "none but good men in office." Everybody seems now ready to admit that there must be machinery created by law for marking out both the ~~rascals~~ and the good men—that, in other words, there must be registered United States brand for both classes. The old assumption that your own men are all good, and those of the other party rascals, has broken down—in practice. Mr. Dorsheimer, in his clever and amusing speech, was the only speaker who referred to that still earlier plan of reforming the civil service, on which much reliance has been placed, by reforming the individual man. In the old Conkling days it was a favorite view among politicians that to reform the civil service thoroughly and radically you should begin with the office seeker in his early childhood, and give him and his

family a judicious course of moral discipline, which would cause him, in case he got an office when he reached manhood, to fill it with fidelity and efficiency. In the meantime, we need hardly say, the old spoils system was to continue in force. This plan is now entirely given up. We are no longer asked to wait for the improvement of the Government service through a general up-lifting of human nature.

George William Curtis presided and after the dinner sent me the following letter:

April 29, 1885.

MY DEAR MR. WHEELER:

As I declined to sign the invitation to Mr. Pendleton, not from any want of regard to him but for reasons which I stated to you, I am especially glad to congratulate you upon the great success of the dinner which as you believed in advance cannot fail to be of signal service to the good cause.

The arrangements were in every way admirable, and we are all deeply indebted to you gentlemen of the Committee who managed everything to the best result. I need not say again how sensible I am of the high honor that you conferred upon me in asking me to preside.

Very truly yours,  
GEORGE WILLIAM CURTIS.

Now I must recur to the administration of the merit system in the City of New York. Hugh J. Grant was elected Mayor of that City in November, 1888, and when he took office on the first of January, 1889, he appointed as Civil Service Commissioners to succeed Mr. Godkin, Mr. Robinson and myself, James Thomson, William Hildreth Field and Henry Marquand. They continued in office under the administration of Mayor Grant and the

greater part of that of his successor, Thomas F. Gilroy. In their report for 1892 they say:

No sweeping or radical changes of method have been contemplated and none have seemed desirable. The Bureau was turned over to them in good working order, and they believe its efficiency remains unimpaired.

In 1894 Daniel P. Hays and Lemuel Skidmore were the Commissioners. They investigated charges that certain candidates for the position of patrolman had procured other persons to personate them on the examination. They found these charges to be well founded and struck from the eligible list the names of these fraudulent candidates.

They also recommended to the Mayor that officials in the Police, Fire and Park Departments be no longer employed as Examiners. This practice had been adopted at the outset for reasons of economy. But the increase in the extent of the classified service made it no longer desirable. The recommendation was finally adopted.

In 1894 a change took place in local politics and William L. Strong was elected Mayor. Before he took office, January 1, 1895, he conferred with me in regard to the organization of the Civil Service system. It seemed to us that in view of the great extension of the classified service it would be better to enlarge the number of the Board, and accordingly the number was changed to five. He appointed me chairman of the Board, with my former associates, Mr. Godkin and Mr. Robinson, as members. The two new members were J. Van Vechten Olcott and Charles W. Watson. Mr. Godkin and Mr. Robinson

were afterwards succeeded by W. Bayard Cutting and William J. Schieffelin.

With the Mayor's approval we revised the rules and the classification, and improved the efficiency of the service. Mayor Strong, more than any of his predecessors, felt the importance of coöperation between the different heads of departments, and used to assemble them in conference. He called us his Cabinet, and we found these consultations very useful.

Inasmuch as the Civil Service Board had a general supervision over all the departments, it seemed appropriate that there should be a general meeting at my house, and accordingly I gave a dinner to the heads of the different departments on the tenth of May. Mayor Strong, of course, was there, and so were my colleagues of the Civil Service Board. Mr. Roosevelt, who was then Police Commissioner, was also one of my guests, and General Collis, Commissioner of Public Works. The conference was helpful to us all.

One of the serious problems that Civil Service administrators have to face is that of suitable examinations for promotion. We required that a record should be kept of the conduct and efficiency of officials in the different grades, but experience showed that these records often failed to record the conduct of the officer. Again, fitness for promotion depends very much upon the ability to direct subordinates, and this is a quality very difficult to test by examination.

When, during Mayor Hewitt's administration, in 1887, there were two vacancies in the important position

of Inspector of the Police, the Mayor sent for his Commissioners and conferred with us in regard to an examination for promotion. He felt it important that this should be had. At the same time we all perceived the difficulty involved. He requested us to conduct the examination personally, and we did. We introduced an oral examination. We examined each applicant separately and questioned him in regard to the various subjects that would form a part of his duty if he should be appointed Inspector. A stenographer took down the questions and answers. The written questions turned on the same subjects, as for example: "How should a Police Inspector conduct himself in case of a riot or an extensive conflagration? What steps might he take to detect crime?" and the like. We reported the result of our examination to the Mayor, and he in his turn appointed the two who stood at the head of the list, Captain Peter Conlin and Captain Alexander S. Williams. On the whole the result of the examination was satisfactory to the Mayor, to the public and to the force.

When the great Chinese Prince, Li Hung Chang, came to this country for a tour of observation, he visited New York. The Mayor called upon the Prince and in turn invited him to visit the Mayor's office in the City Hall. Mayor Strong requested some of his Cabinet to be present. I gladly availed myself of the opportunity to converse with this visiting statesman. He was a handsome man, with high cheek bones, strongly marked Tartar features, six feet three in height, his whole frame proportionate to his height. He would have been a commanding

figure anywhere. The usual courtesies passed, and the Tartar Prince rose. But I had made up my mind that I would, if possible, avail myself of the opportunity to converse with him in regard to the Chinese Civil Service examinations. Accordingly, I said to the interpreter that I was Chief of the Civil Service Commission in New York City: that I knew there had been examinations for admission and promotion in the Chinese Civil Service for centuries, and that I should be glad to learn something from the experience of that great people. The Prince smiled, took his seat, and evidently welcomed the enquiry. I told him that the greatest difficulty we had had in our administration was in regulating examinations for promotion, and asked him to give me the results of Chinese experience. The Prince had what is supposed to be a Yankee fashion of answering one question by asking another, and without answering my question directly he proceeded to inquire in regard to the administration of the Civil Service in New York City. I pressed my enquiry, and he replied that the lessons which he had learned from the Chinese system were these:

It is important to pay your officials an adequate salary, otherwise they will be tempted to peculation. It is also important to send officials to serve in some Province other than that of their birth. We find a great temptation in one's native province to discriminate in favor of personal friends.

Then the Prince rose, bowed with dignity, and we parted with mutual respect.

Let me close this record of my experience in the Civil

Service Board with some reference to my two colleagues in the original Board.

In Mr. Ogden's interesting *Life of Mr. Godkin*, there is one omission. He says that Mr. Godkin did not have the opportunity to show the constructive side of his character. In his services on the Civil Service Board he did have such an opportunity and availed himself of it. He took an active part in the preparation of the regulations. They were approved by the State Civil Service Commission, August 23, 1884, and took effect on the 29th of August in the same year. On the latter date we took office. Godkin took his full part in the reconstruction of the Civil Service of New York City, which had become chaotic. The different parts had no correlation. It was impossible that we should complete the reconstruction by any set of rules, but we did accomplish a great improvement, which some of our successors have still further developed. The success of the Merit System depended in great measure upon the efficiency of its application to the varied conditions of municipal service. This required constructive ability of the first rank. Godkin exhibited this, and the mayors under whom he served and the whole Board appreciated it.

The other member of the Board, E. Randolph Robinson, also coöperated efficiently. Robinson and I were together in the Law School at Cambridge. He was a Virginian, a great-grandson of Randolph, the Attorney-General under Washington, and a graduate of the University of Pennsylvania. Soon after he left Harvard Law School he came to New York and went into partnership

with Henry A. Cram. Mr. Cram's retirement soon after gave Robinson his opportunity, and he rose to the front rank at the Bar. He was about six feet two inches in height, with a frame unusually well proportioned. He often reminded me in his figure and bearing of the description we have of George Washington.

Robinson's death was untimely. He had been driving from Narragansett to Newport in the summer of 1896, on an exceedingly hot day, and had a slight sun-stroke. He neglected it, and came to New York to attend an important meeting of the Civil Service Commission. We met at his house, but alas, he was unable to be present, and shortly after was taken from us by death.

The Civil Service administration in New York City on the whole has been a great success, and it is not too much to say that an important part of this success is due to the intelligence, efficiency and devotion of these two men, who, without salary or other reward but the consciousness of the discharge of public duty, served on the Civil Service Board from the time of its organization.

In 1894 the cities of New York and Brooklyn and the various other municipalities comprised in the limits of what is now Greater New York voted in favor of consolidation. A bill to carry this vote into effect passed the Legislature in 1895. A Charter Commission proposed a new Charter. The first election under this Charter was had in November, 1897, and Robert A. Van Wyck was elected Mayor.

On the first day of January, 1898, each of my associates and myself received a communication signed by him,

mailed the previous day, in which he informed us that in his opinion the public interest would be promoted by our removal, and he accordingly removed each of us from office. This was, in my opinion, the highest compliment that he could have paid us. We were glad not to serve under him.

During his administration no progress of importance was made in the extension of the Merit System to other positions, or in the development of methods of examination. When Seth Low became Mayor, January 1, 1902, he appointed a new Board of five Commissioners. He was himself a cordial friend of the system. Under his administration and that of his successors much has been done to extend the classified service and improve methods of examination. Mayor Gaynor went so far in 1911 as to direct that in all cases the candidate at the head of the eligible list should be appointed to the first vacancy. The Commissioners have become salaried officials, and devote a great deal of time to their responsible duties. On the whole, heads of departments have come to realize the intrinsic advantages of the system and that without it honest and efficient administration would be impossible.

Time fails me to relate in detail the continued work of the Civil Service reform associations and the steady extension of the system. Their success is signal. New York in 1894 adopted this constitutional amendment (Article V, § 9):

Appointments and promotions in the Civil Service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be

ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late Civil War, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

Ohio in 1912 adopted a similar amendment. Beside the New York Civil Service Act of 1883, and that of Massachusetts, adopted immediately afterwards, Civil Service statutes have been passed in Connecticut, New Jersey, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, Iowa, Colorado and California. In some states these statutes are more comprehensive than in others. In some, as in New Jersey, the law is applied only to those municipalities who determine by popular vote to adopt the system. In 1910 the system had been put into operation in 217 cities in the United States.<sup>1</sup> In many of these cities it is required that laborers shall be appointed from a list of fit persons made up in the Civil Service office. This same method was adopted in the Federal service in 1902 by an executive order requiring the appointment of unclassified laborers in the order of their fitness for the performance of unskilled labor.<sup>2</sup>

In 1895 President Cleveland made an attempt to introduce order into the Consular service by requiring examinations for admission. Appointments in that department

<sup>1</sup> *Report N. C. S. League*, 1911, p. 116.

<sup>2</sup> *U. S. Civil Service Rules*, 1910, p. 67.

had previously been chiefly political. The examinations for admission required by him were not applied to all consuls, and progress at first was slow. A bill which classified, regulated and graded the Consular service was recommended by President Roosevelt and passed April 5, 1906. The following June 29, 1906, the President issued an executive order carrying this act into effect and requiring examinations for admission to the service. Elihu Root was then Secretary of State, and under his direction great improvement was made. President Taft extended the system in 1910 to secretaries in the diplomatic service. This application of the merit system had been proposed by Senator Morgan, of Alabama, in 1895, and by Senator Lodge, of Massachusetts, in 1896.

The examinations have been kept up to a high standard and the personnel of the foreign service has been materially improved.<sup>1</sup>

At the introduction of the system in the Federal service, only 14,000 employees were in the classified service list. June 30, 1910, 222,278 were in the classified list, subject to appointment only after competitive examination. This is exclusive of laborers. The whole number of persons at that time in the Civil Service of the United States was 384,088.<sup>2</sup> In New York City the number of persons included in the classified schedule was 55,000 in 1910, as against 7271 in 1887.

The merit system has been put in effective operation in the Philippines and in Porto Rico.

This extension of the system has been accompanied

<sup>1</sup> Report, N. C. S. League, 1913, p. 114.

<sup>2</sup> *Idem*, 1910, pp. 86, 115.

by an increase in efficiency and a diminution in proportionate expense. Assistant Secretary of the Treasury Charles S. Hamlin, who is now Governor of the Federal Reserve Board, estimated the saving to the Government of the United States as "at least twenty-five per cent. in cost. From the point of efficiency, I believe the saving to have been still greater."<sup>1</sup>

When appointments in the public service were largely made as the result either of political favoritism or personal friendship, the natural result was that the servants of the Government felt their loyalty due rather to the person who secured their appointment than to the Government which they served. This feeling led to corruption. Willis L. Moore, chief of the United States Weather Bureau, makes this statement:

I was an employee of the old Federal service a third of a century ago, when there was no civil service, and when, I do not hesitate to say, corruption was rampant in almost every branch of the public service. A man could sell nothing to the Government from which somebody did not get a rake-off, all the way from the receiving clerk up—very high up, sometimes.<sup>2</sup>

The improvement in this respect under the merit system is great. Another result is the diminution in the number of sinecures. Many of these still remain in those branches of the Government (notably in the service of legislative bodies) which have not been brought under the

<sup>1</sup> Fourteenth Report, U. S. Civil Service Commission, p. 14. A pamphlet published by the League, *The Business Value of Civil Service Reform*, gives the figures in detail.

<sup>2</sup> *The Business Value of Civil Service Reform*, p. 8.

scope of the system. Many persons on their pay rolls render no service whatever to the state.

The associations keep up their "campaign of education." Young men are coming forward to take the place of the veterans. The outlook is full of encouragement. "We deal with progress and not flight," but we do progress.

There has been a marked extension of the classified service so as to include the higher grades of officials in the municipal, State and Federal service. Civil Service Commissioners set the example by including examiners in the classified service. A chief of police, municipal experts, librarians, assistant attorney generals and district attorneys, medical superintendents and directors, bank examiners and engineers have been and are selected from eligible lists, made up from competitive examinations. The results have been satisfactory.

An illustration of the gradual method in which this extension has been effected is to be found in a letter from Mr. Roosevelt, written when he was Civil Service Commissioner, which I here transcribe:

*Commissioners*

JOHN R. PROCTOR, *President*,  
CHARLES LYMAN,  
THEODORE ROOSEVELT.

UNITED STATES CIVIL SERVICE COMMISSION,  
WASHINGTON, D. C.

April 13, 1894.

MY DEAR MR. WHEELER:

I had a very pleasant interview with the President the other day, and I think that after the tariff fight is over he

will take up the question of extensions of the Civil Service. I shall then urge him to include the mint. I wish that you would write him on the same subject.

Cordially yours,  
THEODORE ROOSEVELT.

One object of this movement has been to make the Civil Service of the country an attractive career for able young men. In this we have measurably succeeded.

Some steps backward I must notice. President Wilson was for many years a supporter of the merit system and was at one time a Vice-President of the National Civil Service League. In October, 1913, he signed an appropriation bill, which contained a rider, exempting deputy collectors and deputy marshals from the operation of the Civil Service law. It was the purpose of the framers of the Pendleton Bill to make its provisions so broad that ultimately all Government employees, excepting the heads of departments, should be included in it. It is a mistake to suppose that the offices of deputy collector and deputy marshal were never intended to be included under the ordinary provisions of the law. It was not expected they would be included at first, but equally, it was expected that as the system developed and greater skill was acquired in testing the qualifications of candidates for office, they would be included.

This rider was inserted in the Senate. The House accepted it, and it became a law. Similar riders have been inserted in other bills creating new positions, among them the income tax law. This was certainly a violation of the pledge in the Democratic national platform of 1912,

that "the law pertaining to the Civil Service should be honestly and rigidly enforced."

The Civil Service Reform associations have done much to make democracy efficient. They show the power of voluntary non-partisan associations to mold public opinion, promote wise legislation, and secure enforcement of the law. Such associations are a part of that non-official government which I described in 1900.<sup>1</sup> This review may serve to correct the foolish and lazy notion that government is omniscient and omnipotent, and that party rule is essential to its efficient administration.

Let me finish this chapter by reference to three beloved friends who were Civil Service reformers from the beginning: George William Curtis, Carl Schurz and E. Randolph Robinson. They have closed their good work in this world and have passed into the next, leaving a vacancy in the hearts of them that loved them that cannot be filled.

When I remember them, those friends of mine,  
Who are no longer here, the noble three,  
Who half my life were more than friends to me,  
And whose discourse was like a generous wine,  
I most of all remember the divine  
Something that shone in them, and made us see  
The archetypal man, and what might be  
The amplitude of Nature's first design.  
In vain I stretch my hands to clasp their hands;  
I cannot find them. Nothing now is left  
But a majestic memory. They meanwhile  
Wander together in Elysian lands,  
Perchance remembering me, who am bereft  
Of their dear presence, and, remembering, smile.

<sup>1</sup> *Atlantic Monthly*, March, 1900, p. 370.

## CHAPTER XII

### NEW YORK CITY POLITICS, 1854-1894

Aggressive fighting for the right is the noblest sport the world knows.—*Theodore Roosevelt.*

TAMMANY HALL is perhaps the oldest political organization in the United States. Formed about the year 1789, when there were but thirteen States in the Union, it was at first a quasi-benevolent society. It has always claimed to be a patriotic society. Its alternate name is the Columbian Order. It celebrates the Fourth of July with festivities and speeches. It maintains some verbal intimation, in the Indian titles of the officers, that it is indigenous to the soil. Its President is Grand Sachem, its governing body is composed of sachems, one of the officers is Wiskinkie.

The inscription on the corner-stone of the old Tammany Hall on the corner of Park Row and Frankfort Street is preserved in the Tammany Building on Fourteenth Street, which has been the center of the society's activity for more than forty years, and reads as follows: "Tammany Hall or Columbian Order. Founded by William Mooney in 1786. Organized under a Constitution and Laws in 1789. William Mooney 1st Grand Sachem. New York, May 12, 1789."

In 1799 it became an active political organization on the Democratic side, and such it has continued ever since. It won its first political victory in the spring election of 1800. Its original benevolent purpose has been maintained by providing in one way or another for its political adherents. If a good Tammany man is out of work, or is threatened with eviction for the non-payment of rent, or is in any other difficulty, an endeavor is made to help him. Even under the merit system there are sundry public jobs that are within the control of the party in power. But in the old days of the spoils system one of the readiest means of help was by the distribution of public office. This means was employed to the uttermost, to the great detriment of the public service.<sup>1</sup>

Before the year 1854 the voters of New York City were pretty equally divided between the Whig and Democratic parties. In 1844 and 1845 the city was carried by the Native American party, which was organized to overcome what was thought to be undue Irish influence. When the Republican party came into being in 1854, most of the Whigs became Democrats, and the Democratic party has held the majority ever since. In 1855, when Fernando Wood was Mayor of the city of New York, the police force was wholly under the control of the Mayor. By the act of 1849 he was made the head of the Police Department. This force was ill disciplined and ill regulated. To quote Daniel MacLeod, who wrote a sketch of Wood in 1855:

<sup>1</sup> *Plunkitt of Tammany Hall*, Riordan, pp. 135, 167.

He (Wood) found the streets of this great metropolis ill paved, broken by carts and omnibuses into ruts and perilous gullies, obstructed by boxes and signboards, impassable by reason of thronging vehicles and filled with filth and garbage which was left where it had been thrown, to rot and send out its pestiferous fumes, breathing fever, cholera and a host of diseases all over the city. He found hacks, carts and omnibuses choking the thoroughfares, the Jehu drivers dashing through the crowds furiously, reckless of life; women and children were knocked down, trampled on, and the ruffians drove on uncaught. Hackmen overcharged and were insolent to their passengers; baggage-smashers haunted the docks, tearing one's baggage about, stealing it sometimes, and demanding from timid women and strange men unnumbered fees for doing mischief or for doing nothing at all; emigrant runners, half bulldog and half leech, burst in crowds upon the docks of arriving ships, carried off the poor foreign people, fleeced them and set them adrift upon the town; rowdyism seemed to rule the city; it was at the risk of your life that you walked the streets late at night; the club, the knife, the slung-shot and revolver were in constant activity; the Sunday low dramshop polluted the Sabbath air, disturbed the sacred stillness, and in the afternoon and night sent forth its crowds of wretches infuriate with bad liquor to howl and blaspheme, to fight or lie prone on the sidewalk or in the gutters.

Not only was the police inefficient, but it was used largely for political purposes. In 1857, a Republican Legislature created a Metropolitan Police District, which embraced the counties of New York, Kings, Richmond and Westchester. Five Commissioners were appointed by the Governor. Mr. Wood was advised that this act violated Section 2, Article 10, of the Constitution of the State of New York, which had been adopted in 1846, and which required that all city officers whose

election or appointment was not provided for by the Constitution should be elected by the electors of such city or appointed by the authorities thereof. He maintained that a Police Commissioner under the new law had the same power as that which the Mayor of New York had exercised for many years, and that therefore these Commissioners could not be lawfully appointed by the Governor. The Supreme Court held the act to be valid. Wood appealed. This appeal was argued by Charles O'Conor and John W. Edmonds for Wood, and by William M. Evarts and Francis B. Cutting for the new police. The Court of Appeals<sup>1</sup> overruled Wood's contention and sustained the act. Wood, who up to that time had maintained by force control of the City Hall and the police stations, surrendered. The new Commissioners took office and for a time directed the affairs of the Metropolitan Police District. Later, however, it was found more convenient to limit the district. The act of April 5, 1870,<sup>2</sup> took Brooklyn out of it. The Tweed charter of that year limited the district to New York City, which then included only Manhattan Island. The number of the Commissioners was reduced to four, who were to be appointed by the Mayor, and the Board was to be bi-partisan. The same mischievous system had also been adopted for the government of New York County. The act of 1857 required that two members of the Board of Supervisors, which was then the governing body of New York County, should be elected each year, but that no voter should

<sup>1</sup> People ex. rel. Wood v. Draper, 15 N. Y., 532.

<sup>2</sup> Laws of 1870, ch. 136, vol. i., p. 360.

vote for more than one. This divided the number equally between the Republicans and the Democrats, and gave the appointment of the Board really to the political conventions instead of giving it to the voters. This resulted probably in the most corrupt board of officials that ever dominated the city of New York.

To use the language of Judge Allen in his opinion in the Ingersoll case:

As a reform in government the project was doubtless a failure; but as a means by which the individual members of the two parties were enabled to combine, and enjoy the luxuries of power, patronage and plunder, it has proved a perfect success.<sup>1</sup>

William M. Tweed became a Supervisor in 1856. He made alliances with other politicians as corrupt as himself. One of these, Peter B. Sweeney, was originally a clerk in a lawyer's office. Richard B. Connolly came from Ireland when a boy, was elected County Clerk, and afterwards State Senator. These men were all sachems and leaders of Tammany Hall. They and their confederates were known as the Ring.

At that time the money to be raised by taxation was determined by an act which passed the Legislature annually and was known as the tax levy. The Republican majority had deprived the city of New York of most of the powers of local self-government. But "there is no politics in politics," and Tweed and his associates managed to get the tax levies framed to suit themselves and put money in their own pockets and those of their friends.

<sup>1</sup> *People v. Ingersoll*, 58 N. Y., 124. The reader will observe the alliteration, "power, patronage and plunder."

The Supervisors in 1864 adopted a resolution that a county courthouse should be built. The building proceeded under their direction until the act of April 26, 1870,<sup>1</sup> put the business in the hands of four Commissioners, to be appointed by the Mayor, and authorized them to raise \$600,000 by the issue of county stock for its completion. Commissioners were accordingly appointed and went on with the work. In 1871, power to raise \$750,000 more for this purpose was granted by the Legislature.<sup>2</sup> According to Tweed's subsequent statement, he collected \$112,000, which was paid to members of the Legislature in order to obtain this last appropriation.

In 1870, the Board of Supervisors was abolished, but a Board of Audit was created to audit claims against the city.<sup>3</sup> This Board, composed of the Mayor, A. Oakey Hall; Tweed, the President of the Board of Supervisors; and Connolly, the Comptroller, allowed at one meeting claims against the city amounting to \$6,312,000.<sup>4</sup> City stock was issued to pay these claims. It subsequently appeared that there was not actually due more than ten per cent. of this amount. Of the profits Tweed received twenty-four per cent., and the other members of the combination their agreed percentages. Undoubtedly they formed an important part of the political campaign chest.

#### Some of the legislation at this time obtained by the Ring

<sup>1</sup> Laws of 1870, ch. 382, vol. i., p. 880.

<sup>2</sup> Laws of 1871, ch. 583, vol. ii., p. 1273.

<sup>3</sup> Laws of 1870, ch. 190, vol. i., p. 481, and ch. 382, Section 4.

<sup>4</sup> The form of the resolution adopted by them, May 5, 1870, is to be found in the report of *People v. Ingersoll*, 58 N. Y., 4.

was plausible enough. The act of April 19, 1871,<sup>1</sup> abolished the iniquitous system by which the annual tax levy was to be passed by the Legislature and created what was in fact a Financial Senate, which was called the Board of Apportionment. This was to have jurisdiction over the annual city budget. This law made all the members of the Board, except the Mayor himself, appointees of the Mayor and thus put the whole budget in his hands. The Board was authorized to raise money for the expenses of the city and county to an amount not exceeding two per cent. of the assessed value of the taxable property on the assessment roll of the city and county, and, if the members all agreed, were to apportion the proceeds of this tax, after paying the interest on the city debt and providing for the sinking fund, "as it thought proper among the various Departments and purposes of the city and county government."

At that time the character of the men who were really governing the city was not known to the public. Many citizens had confidence in Mr. Tweed and his associates, and went so far as to subscribe for the erection of a statue to him. They did not shrink from giving to Hall, Tweed, Connolly and Sweeney the control of the budget.

In many respects Tweed was a man of broad intelligence. It is due to him more than to any other man, that the change was made in the map of New York City west and northwest of Central Park, and that the new avenues laid out in that part of the city conformed better to the natural formation of the ground than did the

<sup>1</sup> Laws of 1871, ch. 583, vol. ii., p. 1269.

rectangular arrangement under the act of 1807. Provision was also made for parks along the west side of the city.

In the midst of these great public improvements, which Tweed planned and which were carried out at a later date, it is surprising how little attention he paid to the improvement of the condition of the poor people in the city. He was himself of humble origin. But when he became a rich and powerful politician, while he was ready to obtain support from the populace by bribes more or less disguised, he made no attempt to improve the unsanitary tenement houses and dirty alleys in which many of them lived.

The Citizens Association of New York was organized about the year 1863, and appointed a committee to take active steps in relation to the sanitary condition of our city. The names of this committee are Hamilton Fish, John David Wolfe, Edward S. Jaffray, John Jacob Astor, Jr., James M. Brown, Jonathan Sturges, Robert B. Roosevelt, August Belmont, Charles O'Conor, Nathaniel Sands, Charles A. Secor and Morris Ketchum.

They were our richest and most public-spirited citizens. O'Conor was the leader of the Bar; the others were merchants and business men. They addressed a letter to twenty-four leading physicians of the city, asking their advice in regard to the improvement of sanitary conditions. Among them were memorable names: Valentine Mott, Willard Parker, Edward Delafield, E. R. Peaslee, Austin Flint and B. Fordyce Barker. They reported that the ratio of deaths to the population of New York City was one in thirty-five; in Philadelphia the ratio was

one in forty-three, and in Boston one in forty-one; and that the mortality in New York was steadily increasing. The rate in 1810 had been one in forty-six. The report presented by the Council of the Citizens Association in January, 1865, contained the following illuminating statement:

The mobs that held fearful sway in our city during the memorable outbreak of violence in the month of July, 1863, were gathered in the overcrowded and neglected quarters of the city. As was stated by a leading journalist at that time:

"The high brick blocks and closely-packed houses where the mobs originated seemed to be literally hives of sickness and vice. It was wonderful to see and difficult to believe that so much misery, disease and wretchedness can be huddled together and hidden by high walls, unvisited and unthought of, so near our own abodes."

The excessive concentration and overcrowding of the poor and dependent classes in particular districts, and upon very limited areas of the city; the utter disregard of ventilation, and of the most essential conditions for promoting domestic comfort and health in the plans of tenant-house construction; and—what perhaps is the most essential, and most easily remedied of the sanitary wants of tenant-houses and their occupants—the absence of cleanliness and sanitary care of those houses, and the streets, courts and alleys about them, are evils that demand public attention. These evils must be remedied, and, as far as possible, they should be prevented by faithfully executed sanitary regulations.

The report of the Council was adopted by the Association, January 16, 1865. It contained maps showing the shameful condition of many portions of the city. At this time its tenement houses, in construction and management, were subject to no regulation whatever.

Little provision was made for the removal of dirt and refuse. There were no water-closets in the tenement-house district. Most of the houses were provided only with privies in the back yards. Slaughter houses existed in various parts of the city, all of which, the report says (p. 225), "are very offensive and they are exceedingly filthy." Any person inclined to be discouraged in regard to the conditions of society in New York to-day would do well to read this report and to observe the incalculable progress that the city has made since the year 1865. Much remains to be done, but the statement often made that nothing will cure existing evils but a social revolution, is shown by this comparison to be unjust.

During the dominance of Tweed and his associates, there was no improvement in these shameful conditions. A thorough investigation made by *The World*, and published in its issue of May 28, 1873, showed that the city and its tenements were as crowded and dirty as ever. It was the work of the reformers to cleanse these Augean stables.

The leaders of the Ring had made an alliance with three corrupt judges of the State courts. Two of these judges were afterwards impeached and removed from office, and one of them resigned; but while they had power they exercised it without scruple, appointed receivers, issued injunctions and coöperated with Tweed and his associates in schemes of public and private plunder.

The conditions that I have briefly described could not endure. The indignation of the Bar was aroused. James C. Carter, Albert Matthews and my classmate, Edmund

Randolph Robinson, were appointed a committee to call a meeting of those who subscribed a call for the purpose of forming an Association of the Bar. This meeting was held at Delmonico's in the winter of 1869. William M. Evarts, William Allen Butler and John K. Porter, who were among the first subscribers, addressed the meeting and we voted to form a Bar Association. The Legislature of 1870, which was thoroughly under the influence of Tweed, refused us a charter, but the Legislature of 1871 passed an act on the twenty-eighth of April, which provided:

Section I. The members of the Bar Association of the City of New York, of which William M. Evarts is President, James W. Gerard, Samuel J. Tilden, Joseph S. Bosworth, John Slosson and Edgar S. Van Winkle, are Vice-Presidents, and all persons who shall hereafter be associated with them, are hereby created a body corporate, under the name of "The Association of the Bar of the City of New York," for the purpose of maintaining the honor and dignity of the profession of the law, of cultivating social relations among its members and increasing its usefulness in promoting the due administration of justice.

It would have been inexpedient to express more distinctly in the act what was really the principal object of the formation of this Bar Association. But we all felt, as O'Conor said to some of us in the lobby of the old Congress Hall on the hill at Albany where the State House now stands, "You must kill them, or they will kill you."

It is a great satisfaction to me that I, although one of the junior members of the Bar, was one of the first to sign the call for organization. I owe this undoubtedly in large part to my father, who was a leading member of the Bar

and a public-spirited citizen. Beside the names already given, A. J. Vanderpool, Dorman B. Eaton, F. N. Bangs, Luther R. Marsh, Charles F. Southmayd, F. R. Coudert and E. W. Stoughton were among the signers. These all have passed to their reward. Among the few founders who remain are Joseph H. Choate, William G. Choate, Julien T. Davies and myself.

After we had organized and acquired a local habitation in West Twenty-seventh Street, we initiated proceedings for the impeachment of the two judges of the Supreme Court to whom I have referred and for the removal by the Senate of John H. McCunn of the Superior Court. This was the method which the Constitution of the State at that time provided for the removal of justices of the latter court. Upon our application, committees were appointed to take testimony. The Assembly voted to impeach two justices of the Supreme Court. The Senate sat as a Court of Impeachment. George G. Barnard was convicted and removed from office and declared to be disqualified to hold or enjoy any office of honor, trust or profit under this State. His associate resigned. McCunn was removed after a similar trial, which did not differ from the trial of impeachment in point of formality or in according opportunity to the accused to be heard. Thus this infamous judicial ring was broken up.

Our system of popular elections, which in districts where a political party has a large majority is really not a popular election at all, but a nomination by a political convention, has given us some very incompetent judges. But I am persuaded that since this great example was

made at the instance of the Bar Association of the City of New York, no corrupt judges have disgraced our Bench.

While this attack upon one branch of the New York administration was being led by lawyers, another attack against the civilian side was organized and carried to a successful issue. Tweed's crimes and those of his associates were brought to light in two ways. A quarrel developed among the partners. James O'Brien, who was Sheriff, was not satisfied with the share of the plunder which he was receiving. He made up a claim against the city for \$350,000, which he afterwards offered to sell to Tweed for that amount. Tweed refused. He felt that O'Brien's support would cost him too dear. O'Brien thereupon began, through a man named William Copeland who was one of his followers, and for whom he had secured an appointment in the Comptroller's office, to furnish information of the misdeeds of the partners, whom he considered too greedy. Mr. Jones, who was the proprietor of the *New York Times*, obtained from the office of the Comptroller (not only through Copeland, but through Matthew J. O'Rourke, who was a clerk in that office and had himself become convinced of the fraudulent character of the claims which were being paid), without the knowledge of the associates, statements of accounts which showed that the bills which were being paid by the city for the new courthouse and for other purposes were not honest bills. These bills were made up on the same principle as those of the unjust steward in the parable: the plasterers, the painters, the masons, the plumbers—in short, all the parties who were engaged in furnishing labor or

material to the courthouse—were told to take their bills and sit down quickly and write six or eight or ten times their actual amount. The contractors, who found that they could not get paid unless they joined in this fraudulent proceeding, got their money, and the balance went to the conspirators. If these rascals had been content with a smaller amount of plunder, they might never have been discovered. But the evil of such combinations is intrinsic. Necessarily, many become aware of the scheme. Each partner feels that a large part of the credit belongs to himself, and clamors for a larger share. Political leaders who rely upon a corrupt following for their support are called upon to do more and more for their henchmen. And in the end, the system breaks down, as this did, from its own weight. Many threats were made against Mr. Jones; all sorts of promises were made to induce him to cease the attack; but he went on bravely with his exposure. Even after the facts had been made manifest, Tweed was defiant. He ran again for the State Senate, and carried his own district.

The exposures in the *Times* aroused public indignation. A committee of eight citizens was appointed, who made a thorough examination of the books and accounts in the Comptroller's office. They found that the graft in the charges for repairs on armories and drill-rooms was the largest in percentage. The actual cost of these was not over \$250,000. The city had paid \$3,200,000. They found that the fair cost of the building of the courthouse, which had not at that time been finished, would not exceed three millions, and that over eleven millions had been

charged, and that the equipment of this courthouse, including painting, plumbing and plasterers' bills, had cost the city \$7,289,466.81. Appraisers employed by the committee valued the whole at \$624,180.40. The conspirators had been clever enough to attempt to subsidize the newspapers of the city by paying enormous sums for useless advertisements. In less than three years the city and county had paid for printing, advertising, stationery, etc., \$7,169,212.23.

When the storm first broke, the associates felt themselves so firmly intrenched that Tweed cried, "What are you going to do about it?" Charles O'Conor and Wheeler H. Peckham were the counsel for the citizens, and advised that a civil suit to recover the monies embezzled might be brought in the name of the people of the State. A suit was brought, but the Court of Appeals held that it would not lie.<sup>1</sup> Tweed was indicted for fraudulent neglect of duty as auditor of claims. He was convicted of two hundred and four offenses. But the Court of Appeals held that he could lawfully be sentenced for one term only.<sup>2</sup> He served a term of one year and paid a fine, but was in 1875 discharged from imprisonment under that indictment.

Meanwhile O'Conor and Peckham had drawn an act authorizing a civil suit to be brought in the name of the people.<sup>3</sup> Samuel J. Tilden, who was elected Governor in November, 1874, signed the bill and it became a law.

<sup>1</sup> *People v. Ingersoll*, 58 N. Y., 1. Argued June 3, 1873, reargued February 11, 1874, decided June 9, 1874.

<sup>2</sup> *People ex rel. Tweed v. Liscomb*, 60 N. Y. Rep., 559.

<sup>3</sup> Laws of 1875, ch. 49.

On the day when Tweed was discharged from his imprisonment, he was arrested in a suit brought under the new act. His bail was fixed in this suit at three million dollars, in default of which he was committed to Ludlow Street jail. Tweed's counsel claimed that this was vexatious, and therefore illegal. But the Court of Appeals affirmed the order<sup>1</sup> November 16, 1875, and he remained for a time in jail.

But he had not lost all his friends. Many of his old chums were in the Sheriff's office. They allowed him many privileges, notwithstanding his commitment. He claimed that it would be for the benefit of his health that he should be allowed occasionally to drive in Central Park. This leave he obtained. A friendly deputy sheriff granted him permission to visit Mrs. Tweed, who was living in the house that Tweed had built, which remained standing in Fifth Avenue just below Forty-third Street until 1916. Tweed asked the deputy to allow him to go upstairs for a few moments. He left the deputy in the parlor and disappeared. He took passage in a vessel bound for Spain. The extradition treaty between this country and Spain did not provide for the return of a criminal indicted for the offenses for which Tweed had been indicted. The clever stratagem failed. At the instance of Governor Tilden, the United States Secretary of State asked the government of Spain to return Tweed. A United States frigate was sent for him, he was brought back again to jail and there he died on the twelfth of April, 1878.

<sup>1</sup> People v. Tweed, 63 N. Y., 202.

Meanwhile the various civil suits which had been brought against those who were concerned in the frauds were compromised. The result of all the litigation was that about \$1,350,000 was recovered. Sweeney had fled to France. He came back to this country for a short time under a stipulation with the Attorney General, but returned to France and died in 1911. He was the last survivor. Connolly also fled and never returned.

The frauds that had thus been discovered produced a revolution in Tammany Hall. The better element came to the front. Augustus Schell succeeded William M. Tweed as Grand Sachem; Connolly, Sweeney and Hall and some of their associates were dropped from their positions as sachems, and Charles O'Conor, Samuel J. Tilden, John Kelly, Horatio Seymour, August Belmont and Abram S. Hewitt were elected in their stead.

In 1873, Samuel J. Tilden, at the head of a committee from Tammany Hall, called at the New York City Bar Association Building and conferred with a committee from that Association respecting the nominations to be made that year for judicial office. It was a good precedent.

From 1872 until 1876 it may fairly be said that we had a reformed Tammany. As I saw it then, and see it now, the Tammany organization at that time was altogether the most honest and respectable political organization in the city of New York.

Samuel J. Tilden was elected Governor of the State of New York in 1874, and William H. Wickham was elected Mayor of the city in the same year. They both

had the support of the reformed Tammany. Tilden had a majority of 50,317. Wickham had a plurality over his Republican competitor of 33,118, and a clear majority over all of 8892.

The great difficulty attendant upon reform in a political party, composed of various discordant elements, is the impossibility of satisfying them all. The rascals in the Democratic party in New York City found the reformed Tammany very little to their liking. John Morrissey, who was a professional gambler, and had profited by the indulgence extended to him by the Tweed régime, found the conditions under Mayor Wickham not at all to his taste. Accordingly he bolted. He had many friends and supporters of his own kind, and the good citizens of New York saw a coalition similar to that which Randolph described in 1824 as "a combination of the Puritan and the Blackleg." John Morrissey and his bolting Democrats effected a coalition with the regular Republican organization. The Tammany leaders who were then in office felt bound to do all in their power to defeat this combination. They nominated for the local election in 1875 an excellent ticket.

Unfortunately this ticket was defeated. The coalition carried the day. John Kelly had become the leader of Tammany Hall. The defeat of 1875 impressed upon him that he must make to himself some friends of the baser element and he did. Dissatisfaction with his leadership led in the winter of 1880-81 to the formation of an independent Democratic organization, known as the County Democracy. This was powerful for a time and was recog-

nized by the State Democratic convention. Many of Mr. Cleveland's supporters, including Hewitt, Whitney and Stetson, were prominent in it.

In 1883, it united with Tammany Hall in the nomination of William R. Grace for Mayor. He was elected. The son of an Irish gentleman, he ran away from home when a boy, worked his passage across the Atlantic, and was finally discovered by his father earning his living in New York. He was placed as a clerk with a house in Liverpool that had business in South America, and went to Peru to represent the firm there. His energy and skill were such that before many years he became the head of the New York house of William R. Grace & Company, in the South American trade. When he became Mayor he selected as his private secretary William M. Ivins, who was one of the most efficient and clear-sighted young lawyers in the city, and who remained in active practice till his death in 1915. Ivins really became Deputy Mayor. He made a careful study at first hand of conditions in tenement houses generally, and of the various pawnbrokers' shops and other resorts which then were numerous on the Bowery. With the aid of the Health Department he produced important improvements in tenement conditions. He broke up altogether what had become a common practice, the use of fraudulent pawn tickets. He discovered one instance where a pawnbroker had bought one thousand Ingersoll watches, which retailed at \$1.00 each. Against these he issued pawn tickets purporting to represent a loan of \$20 on each watch. He procured agents to sell or pledge these tickets

for \$5 apiece, and when the ticket was brought in for redemption, produced the \$1 watch. His license was revoked, and many another.

The business of using the selling of liquor as an appendage to disreputable theaters and public halls was broken up. In short, Mayor Grace succeeded in preventing many of the ways in which illegal and disreputable resorts attracted custom, but did not undertake the vain attempt to abolish them altogether, an attempt which all experience shows is fruitful of graft and productive of no good.

It was during his administration that the Street Cleaning Department was separated from the Police Department.

Mr. Grace was a man of wealth, and did not need his salary. He caused his secretary to open a separate account into which the monthly warrants for the salary were paid. The entire amount of this account was devoted to relieving the innumerable cases that apply to a Mayor for assistance.

When his term was about to expire in 1886, Henry George, the leader of the single tax movement, was nominated for the office of Mayor by an independent organization.

Many good people thought that George's election would mean ruin to the property interests of New York. Abram S. Hewitt was urged by both wings of the Democracy to accept their united nomination for Mayor. Hewitt was a very useful member of Congress. It was an unfortunate thing for the Democratic party that he gave up his position in Congress to become Mayor of the city. He

was a man of absolute integrity and courage, and unusual efficiency, very familiar with our complex tariff, and invaluable whenever it came up for revision.

This campaign of 1886, in which Hewitt was elected and Henry George defeated, was the last success of the County Democracy. Since that time there has been no strong independent Democratic organization in New York City. Whatever successes have been won in municipal politics have been won by a combination between independent committees of citizens and the Republican organization which has in the main given cordial coöperation.

Hewitt became Mayor on the first of January, 1887. In a speech which he made on the twenty-seventh of November, 1900, he gave this account of the manner in which, as Mayor, he dealt with the police situation:

Now, when I became Mayor, I realized the fact that the responsibility was upon me. The condition of things at that time in the city of New York was very bad. I did not go to the Police Superintendent or to any captain, but I simply walked through the streets and observed with my own eyes, and I counted the disreputable places, so far as I could find them, that were open to the public view.

The Chief of Police at that time was Murray, a most intelligent and capable officer. I told him what I had seen. He said it was all true. I told him that I wanted to have the dives closed up, and while I did not expect that vice could be suppressed or extirpated in a great city like this, I wanted at least that respect which vice pays to purity, by being a little more decent. He said to me frankly, "All that you say is true." I said, "Can they be closed up?" He said, "Certainly; it is only necessary to give the order to have them closed up." I said, "Then why do they exist at all?" "Well,"

he said, "you had better ask some of your political friends about that." I said, "They are interested in these places?" "Oh, many of them," he said. "And if the order goes forth to close them up you will be attacking the men who have been your best supporters in the last election and who have placed you in the Mayor's chair." I said, "That is a revelation; but it does not make any difference to me who they are. The places have got to be closed up."

I said to him, "I don't ask you to commit yourself to anything, Murray, but you are a rich man?" "Well," he said, "I don't know what you call rich; I am well-to-do." I said, "Won't you tell me frankly how much you are worth?" Said he, "I am worth \$300,000." I said, "Murray, did you ever have any business but that of a policeman and police captain?" He said, "No." I said, "How did you get that \$300,000?" "Why," said he, "I have friends in Wall Street who have given me good opportunities, and I have made this money, and I am very well satisfied with the results."

I said, "How about the captains? Are there any of these who have fortunes?" "Oh," he said, "most of them are well-to-do. There are some poor men among them!" I said, "How do they get their money?" "Well," said he, "you can readily understand that as long as this condition of things goes on, opportunities occur to make money." I said, "How about the ward men? I hear that they go around and collect money." "Well," said he, "they don't collect any money for me; but I think it very likely they do collect money." "Now," said I, "you have told me very frankly the condition of things here. I don't propose to take any advantage of it. You have dealt with entire fairness with me. All I ask you to do now is from this day to do your duty." He said he would, and he did.

I then sent for the President of the Police Commission. It was a bi-partisan Board then, as now. There were two Republicans and two Democrats, but the President of the Board was a Republican. I do not care to recall names. All the members of the Board at the time, except one, have since died. I told him frankly what Murray had told me, and I asked him

whether he was willing to coöperate in the suppression of the dives and the closing up of these disreputable and unlawful places of resort. He said if I wished he would, but he thought I had better let things alone; that I was going to let loose a hornet's nest, and that if I had any political ambition in the future he wanted to tell me, from his great knowledge of politics, and no man had more, that it would be my political ruin—that there was no place that I could ever be elected to in this community. He also told me the truth. Now what happened? The police were managed by four men, who divided up the patronage into four parts. Two of them were Democrats, two of them were Republicans, and each one had his portion. I was informed that the Mayor, if he saw fit, might have a portion from each one of the appointments. I declined, of course, to accept the offer.

I can say to you that in sixty days every dive in the city of New York was closed up, and all the places which had flaunted vice before the community were compelled at least to put on the garb of respectability, and those of you who are old enough to remember will remember that during the two years when I was Mayor, externally New York was a very decent city.

I want to say to you that the great majority of the police force are honest men. The number who are willing to take bribes from gamblers and the keepers of improper places of resort are few, and that accounts for the fact that these few get rich, because they don't divide with those who are desirous simply to do their duty for the pay which they receive from the public treasury. Now, I want to say distinctly that my experience of the police as a body was most favorable. But when they are headed by a corrupt Superintendent and by a corrupt Board of Commissioners there is no limit at all to the abuses which may be perpetrated, for if a man tries to do his duty he is promptly transferred to some place where there is no exercise for his sense of right.

Hewitt's administration as Mayor was not satisfactory to Tammany, for reasons which this statement of his

sufficiently shows; neither was it satisfactory to the Republican allies of Tammany.

The result was that when in 1888 he was nominated for reëlection, Tammany Hall nominated Hugh J. Grant, and the Republicans nominated an Independent candidate who took votes enough from Hewitt to elect Grant. Once more Tammany Hall was in full control of the city government. This control continued until the end of the year 1894.

During Grant's administration, from 1889 to 1891, and that of Thomas F. Gilroy, who succeeded him and who continued in office from 1892 to 1894, unlawful relations between certain members of the Police Department and illegal resorts were resumed. Our people came to the conclusion that it would be worth while to try to nominate and elect a Mayor on a non-partisan basis.

Numerous non-partisan organizations came into activity for the purpose of improving the city government. Twenty-four "Good Government" clubs were formed in different parts of the city, and many of them maintained a club house for social and political purposes. Some newspaper enemies stigmatized them as "Goo Goos," but they did important educational work. In 1890, the People's Municipal League was organized, and Francis M. Scott, who has since become a Justice of the Supreme Court and a member of the Appellate Division of that body, made an effective campaign in the mayoralty election for that year. That league declared for its fundamental principle that "Municipal government is business and not politics."

The City Reform Club had been organized in 1884. This had no club house, but maintained a down-town office and was a continuing vigilance committee. From 1886 to 1893 it published the "Annual Record of Assemblymen and Senators from the City of New York." In 1887 it investigated registration and election frauds and brought the result of its discoveries to the attention of the Grand Jury. A special Grand Jury again investigated the subject in September, 1888, and returned indictments for bribery against two leading politicians, one of whom was tried. It is difficult to get a conviction in bribery cases, and in this case the jury failed to agree. The exposure of the frauds was a terror to evildoers.

On the fourth of April, 1892, the City Club of New York was organized, "to promote social intercourse among persons specially interested in the good government of the city of New York, in securing honesty and efficiency in the administration of the city affairs, in severing municipal from national politics, and in procuring the election of fit persons to city offices; and to take such action as may tend to the honest, efficient and independent government of the city of New York." August Belmont, James C. Carter, R. Fulton Cutting and W. Bayard Cutting (the two brothers who have done so much effective work for the reformation of city government) and William J. Schieffelin were perhaps the most prominent of its first Board of Trustees. Bishop Potter did a great deal to promote the success of this reform work and it is fitting that a portrait of him should hang in the club rooms of

the house which the Club afterwards built at 55 West Forty-fourth Street.

In an introduction which Mr. Godkin wrote for a volume called *The Triumph of Reform*, which was published in 1895, he thus sums up the history of the period from 1888 to 1894:

The methods of corruption which have led to the explosion to which we owe the attempt at reform, of which these pages are a record, have differed considerably from those employed by Tweed. His chief mode of despoiling the treasury was the raising of bills by tradesmen doing city work. The present Tammany men resort to much more subtle processes—such as the enormous multiplication of salaried offices, and secret tolls or blackmail levied on all persons having business with the city, or exposed to annoyance at the hands of the police or other officials, and the sale of legislation or of immunity from legislation, to corporations or firms. As usual, the discovery of such disorders was due to excess. The increasing corruption of the police made concealment no longer possible, and brought about the uprising of which this book is a commemoration. |

January 29, 1894, Clarence Lexow, the Senator from the Sixteenth District, offered in the Senate a resolution for the appointment of a committee to investigate the Police Department in New York City. The charges which led to the appointment of this committee had been made by Dr. Charles H. Parkhurst, who was then, as he still is, minister of the Madison Square Presbyterian Church in New York City. A bill was passed appropriating \$25,000 for the expenses of the investigation. Roswell P. Flower, who was then Governor, vetoed this bill on the ground that the investigation was partisan and that the money would

be wasted. Thereupon, in order that the investigation might not fail, the New York Chamber of Commerce advanced \$17,500, for the purpose of covering the expenses of the committee.

The first attack was made upon interference by the police with New York City elections. Many policemen were members of Tammany clubs and took an active part in city elections, going so far as to permit repeaters to vote without interference. John W. Goff, now Justice of the Supreme Court, became counsel for the committee. He was assisted by Frank Moss, who was then Secretary of the Society for the Prevention of Crime, and William Travers Jerome. Mr. Goff boldly called as a witness one of the Police Commissioners, John McClave. He could not stand the fire, broke down completely, resigned his office, and left the city. His secretary followed his example. Proof showed clearly that money had been paid for the appointment and promotion of policemen, and that bribes had been paid to police captains, sergeants and wardmen, as they were then called, for permission to continue various illegal trades within their districts. Four captains and a number of sergeants and wardmen were tried before the Police Commissioners for the offenses thus disclosed. The evidence which the committee had obtained was given and they were dismissed from the force. One of these captains was afterwards indicted and convicted of bribery, was sentenced to three years and nine months' imprisonment and a fine of \$1000. One police captain admitted that he had paid \$15,000 for his appointment as captain. This testimony led to an attempt by his superior officers

to remove him; but the committee insisted upon the promise of immunity to witnesses which they had given under the direction of the Senate, and the captain was restored to his place. The evidence was so clear that it produced a revolution in public sentiment.

A meeting of citizens without distinction of party was held in Madison Square Garden, a Committee of Seventy was appointed, and it nominated William L. Strong for Mayor and John W. Goff for Recorder.

One of the most effective and terrible circulars which the Committee distributed among the voters was the story of a Russian widow named Urchittel. She had started a little store in which she sold cigars and tobacco. She was blackmailed by police detectives, arrested, and taken to court. Her trial took place without any professional assistance to her, and without her being able to understand a word of the testimony of the two perjured witnesses against her. Her children were taken from her and her business destroyed. It was an evil day for the Tammany Hall Democracy when it tolerated such crimes as these.

The following extract from the testimony of a merchant who had been blackmailed by the wardmen is illuminating:

Q. Did any of the ward men who collected your sidewalk rent tell you how the money was divided?

A. There was something said on that subject once.

Q. Please tell the Committee about that conversation.

A. Once when I paid a ward man six months' rent I said to him: "You must be getting pretty rich if all my neighbors pay as I do." He said: "Oh, my, I don't get any of this. I hand this to the captain." "Well," said I, "then the captain

must be getting pretty rich." He said: "No, the captain gets none of this, or, anyway, only his percentage. It goes higher." "The inspector then?" said I. "No," said he, "*higher.*"

"What!" said I. "Higher brings it to the Superintendent." "No," said he, "*higher.*"

Then said I: "Why, that takes us to the Commissioners." "No," said he, "*higher.*"

Then said I: "There's nothing but the Grand Boss of all."

Then he said: "You are getting hot now."

The result of our campaign was the election of Mayor Strong by a majority of 45,187 and of Mr. Goff by a like majority.

This Committee of Seventy was carefully selected from among our most intelligent and public spirited citizens. Joseph Larocque was Chairman. All took an active part in the campaign. The Executive Committee was composed as follows:

James P. Archibald, Charles C. Beaman, A. C. Bernheim, John Crosby Brown, L. J. Callanan, John Clafin, Lewis L. Delafield, John P. Faure, R. M. Gallaway, William B. Hornblower, W. Travers Jerome, Joseph Larocque, J. Pierpont Morgan, Peter B. Olney, Horace Porter, W. Harris Roome, George L. Rives, Gustav H. Schwab, Jacob H. Schiff, Charles S. Smith, James Speyer, Simon Sterne, John A. Stewart, William L. Strong, Frederic Taylor, J. Kennedy Tod, John P. Townsend, Cornelius Vanderbilt and Everett P. Wheeler. Merchants, bankers, labor leaders, lawyers and capitalists combined in one united effort to liberate the Empire City from bondage. We succeeded.

## CHAPTER XIII

### NEW YORK CITY POLITICS, 1895-1901

UNLIKE many political organizations, the Committee of Seventy and the Mayor whom they elected set to work to fulfil the promises of the platform. The promise that all examinations should be placed under the control of the Civil Service Commission was carried out as far as the State Legislature would allow. Examiners became independent of the departments and were instructed to conduct examinations with especial reference to the qualifications required for the place for which the examination was held. To ascertain these qualifications they were to confer with the heads of departments so that all the requirements of the service might be met. Pains were taken to give the general public notice of vacancies and of all proposed examinations, with the result of a greatly increased number of applicants and consequent increased scope of selection.

The Civil Service Commission acted in entire harmony with the Mayor, and endeavored to prevent as far as possible any removals for partisan reasons. There were many unfit persons in the employ of the city government when Mayor Strong took office, but there were many fit and competent persons who had served under previous

administrations. The public business could not have been transacted without the aid of such men, and it would have been the height of injustice to remove them.

The Legislature was not altogether in sympathy with the reform administration. We unearthed a confidential circular from Senator Platt to Republican editors throughout the State, in which he discredited our motives and our plans and urged his lieutenants, by editorials from time to time, to oppose the bills we recommended. This opposition in many cases succeeded.

The Committee of Seventy platform pledged us to endeavor to abolish the bi-partisan, double-headed Board of Police. This the Legislature refused to do.

The second pledge of our platform was "that the quality of the public schools be improved." The Board of Education took measures to carry out this pledge. Fourteen new schoolhouses, accommodating 17,041 pupils, were finished during the year 1895. The provisional estimate for the new year allowed \$680,000 more for teachers' salaries and the current expenses of the schools than the appropriation made in 1894. In addition to this increase which was raised by taxation, an allowance of \$3,000,000 "for the purchase of new school sites and the erection and furnishing of new schools to be raised by the issue of bonds" was contained in the budget of 1896.

The need for better buildings was urgent. A careful investigation, made by "Good Government Club E" under the direction of J. Augustus Johnson, showed that many of the schools were in unsanitary condition, badly

ventilated, dark and dirty. The report of the Committee of Seventy on this subject stated truly:

There is but one open-air playground worthy of the name attached to a public school on Manhattan Island. There are at the present time 141 general and primary schools under the control of the Board of Education.

The new Board of Education contained men of unusual ability and public spirit, who gave a great deal of time to their duties, which they performed without salary. They determined to bring the public schools of New York City up to the first rank of American schools, and they succeeded. The system of public instruction was reorganized under the authority of a new law which was drawn by the Committee of Seventy.

On the 18th of May, 1896, some active members of the Board requested Daniel C. Gilman, President of Johns Hopkins University, to accept the position of City Superintendent of the Schools of New York. Mayor Strong and Seth Low, who was then President of Columbia University, wrote Dr. Gilman urging his acceptance. The position cannot be better expressed than in his reply to the Board of Education.

An opportunity like this for the introduction of modern methods adapted to the requirements of all classes in the community has never, so far as I am aware, occurred before. I should consider it a privilege and an honor to take a responsible part in a work of such magnitude and of such far reaching influences. For surely the improvement of schools in the metropolis would be for the advantage of the whole country and for the whole world. . . . Among the problems that are now of paramount interest is the permanent separation of the

public-schools systems from the influences of parties, sects and personal preferments. Again there is the world-wide question of our time—how can old methods of instruction be improved and the training of the eye and the hand be secured without the neglect of the printed page? How may morality and patriotism be promoted in schools that are governed by local self-government and are free from the control of all religious bodies?

Dr. Gilman then went on to say that the authorities of Johns Hopkins had informed him officially that his departure at that time would be regarded by them "as a calamity" and that they could not consent to his leaving the institution. Under these circumstances he felt it his duty to decline and added:

I ask leave to add an expression of gratitude to those who have advocated my appointment. I would also express my admiration for the attitude of the journals of New York, which have stood as a united column for the improvement and the advancement of the public-school system with suggestions that are full of promise for the future. In my belief the prosperity of this country materially, intellectually and morally depends upon the wisdom with which the public schools are maintained. When all the best forces of the metropolis are united for this end, hope and courage will ever prevail.

No result of the labors of the Committee of Seventy was more fruitful than the reforms they accomplished in the management of the public schools. The new high schools which they established were admirably equipped; the men of high character and ability whom the Board sought out from every part of the country and installed in these schools as principals and assistants, brought to their task a broad outlook. The principals and teachers

who had grown up under the existing system coöperated effectively. The whole was regenerated.

The new Board finally elected as Superintendent, William H. Maxwell, a man of energy and skill in his profession. The law gave him a permanence of tenure so that he could be removed only for cause. He has held the position during the successive administrations of Mayors Strong, Van Wyck, Low, McClellan, Gaynor and Mitchel. I have not always agreed with him. I thought his attitude at first to the City College showed some want of understanding of that institution and its distinctive merits, but the trustees of that college and Dr. Maxwell have come to understand each other better and there is now coöperation where at first there was not.

The next pledge of the platform was that "the property already acquired by the city under the Small Parks Act shall be promptly devoted to the purposes of this acquisition." The buying of land for public improvement and leaving it in possession of its old owners, rent free, while the city paid interest on its cost, was one of the scandals of the old régime.

The Corporation Counsel, in compliance with the pledge of the Committee, brought to a conclusion proceedings to condemn property for St. Johns Park, in Hudson Street. In that case and in the proceedings for the Mulberry Bend Park, final orders were entered. In Mulberry Bend Park the demolition of buildings was substantially completed. A new park on the corner of St. Nicholas and Seventh avenues was laid out, and proceedings to

condemn the property included at the intersection of the two avenues were prosecuted vigorously.

The next promise of the platform was "greater care and thoroughness in the enforcement of the health laws" and "the establishment of adequate public baths and lavatories."

Both these pledges were kept. One of the most important improvements in the city of New York has been the introduction of public lavatories. Forty years ago there was only one in the whole city, a circular structure in the City Hall Park with an eagle on top.

The administration of Mayor Strong built bridges over the Harlem River, repaved streets and avenues in what is now the Borough of the Bronx; provided new buildings for the Police Department; purchased a new site for the College of the City of New York and enlarged the Metropolitan Museum of Art. It built the Speedway along the Harlem River, improved the terminals of the Brooklyn Bridge and the condition and management of all the parks and parkways. These permanent additions to the comfort and beauty of New York and its property are so familiar now that their authorship is often forgotten.

The next pledge was "the adoption of a thorough system of street cleaning."

Colonel George E. Waring's appointment as head of the Street Cleaning Department was one of the best made by the reform Mayor. He was the first to provide the men with the white canvas uniform. He stimulated them to take pride in the condition of the horses and

wagons and to raise the tone of the Department. The appropriation for street cleaning was increased from \$1,254,000 to \$3,200,000. It would not have been possible to carry on the Department as Waring administered it, upon the insufficient allowance made to his predecessors. But the public saw his efficiency and were willing to pay for it. President Cleveland once said that the average citizen "does not think there is anything sordid or mean in economy, whether private or public." It is also true that the New York citizen as a rule knows a good thing when he sees it, and is willing to pay for it a fair price.

One reform which Waring did accomplish in the direction of economy deserves to be noted. The men in the Department had been paid in previous administrations much more than the usual rate of wages. Probably a good slice of this went for political contributions. Waring reduced the pay for each man to the fair, customary rate of wages, and the men got it all.

The most competent Commissioner who had preceded Colonel Waring, Mr. Coleman, reported in 1888 that 53 miles of the 342 miles of paved streets then in the city were cleaned daily. In 1896, under Waring, 433 miles of city streets were cleaned from once to five times daily, and for the first time in the history of the city they were kept clean. As it was well put in one of the pamphlets which the Citizens' Union issued in July, 1897, "the annual increased cost of keeping the streets clean has been no greater than the annual increased cost of leaving them dirty."

Not only were the streets kept clean from ordinary dirt, but they were cleaned from snow in a way that surprised

the most hopeful. Under Waring's predecessors the average clearance after a snowstorm was  $22\frac{8}{15}$  miles of streets. This was done only in the business districts. Under Colonel Waring's efficient administration  $144\frac{4}{5}$  miles was the average clearance.

A curious and unexpected result of this effective administration was a diminution in injuries to horses. When the streets were dirty, nails and other loose pieces of iron were hid in the dirt and trod upon. Under the new system they were swept away and the horses escaped. Another effect of reform was the enforcement of the ordinance that had existed for many years, requiring street railway companies to cart away the snow cleared from their tracks by snow plows and sweeping machines. That was never enforced until Mayor Strong's administration.

Another improvement in his time was to prohibit the leaving of trucks in the streets over night. When this was announced there was a great outcry from their owners, but we persisted and carried our point. These trucks had been a serious incumbrance to traffic. They impeded the work of cleaning the streets when allowed to remain during the day, as they often were, and in the more obscure streets they became the resort of disreputable characters and a screen for riot and disorder. On a section of East Seventy-sixth Street, near the East Side House Settlement, their presence and the use to which they were put, were particularly obnoxious to decent people, and we were assured that in many other places the conditions were just as bad.

To my mind the most important achievement of Colonel Waring is to be found in his establishment of a system

of arbitration. This took effect January 7, 1896. His communication of that date to the employees of the Department of Street Cleaning marks an era in industrial progress. In all the relations of life except those between capital and labor, civilization has abolished private war and compels controversies to be adjusted by the courts. The most sacred relations—between man and wife, parent and child—are dealt with by the judges, and either party has a right to bring the other before the court and compel, in this way, a peaceable decision. We are still barbarous enough to permit controversies between employer and employee to be fought out through the archaic strike or lockout. This is because tribunals of arbitration have not been established by law before which either party to a controversy of this kind can oblige the other to appear.

This was Colonel Waring's method:

In order to establish friendly and useful relations between the men in the Working Force and the Officers of the Department. I shall be glad to see an Organization formed among the men for the discussion of all matters of interest.

This Organization will be represented by five Spokesmen in a "Board of Conference," in which the Commissioner will be represented by the General Superintendent, the Chief Clerk, one District Superintendent, one Section Foreman and one Stable Foreman.

It is suggested that the men who gather at each Section Station and the men at each stable (with the boardmen from the nearest Dumps), each select one of their number to represent them in a General Committee of 41 (32 from Section Stations and 9 from stables), and that this General Committee elect five Spokesmen by whom it is to be represented in the "Board of Conference."

The General Committee will meet in a room to be provided

for them, at 2 P.M. on every Thursday, except the third Thursday of each month. The members will not have their time docked for this. Their meetings will be secret, and they will be expected to discuss with perfect freedom everything connected with their work, their relations with the Commissioner and his subordinates, and all questions of discipline, duties, pay, etc., in which they are interested, or which the Sections, Stables and Dumps may have submitted to them.

The "Board of Conference" will meet at 2 P.M. on the third Thursday of each month, or as near to this date as the exigencies of the work will allow.

The ten members of the "Board of Conference" will be on a perfect equality. It will establish its own organization and Rules of Procedure, and will elect one of its members Permanent Chairman and another Permanent Secretary, one of these to be chosen from the five Officers and another from the five Spokesmen.

It is hoped that this Board will be able to settle every question that may come up to the satisfaction of all concerned, because most differences can be adjusted by discussions in which both sides are fairly represented.

Should any matter arise as to which the Board cannot come to a substantial agreement, the Permanent Chairman and the Permanent Secretary will argue the case before the Commissioner, who will try to reach a fair conclusion upon it.

This communication was received with suspicion. To quote from a report made to the Commissioner by Thomas A. Doe, the Secretary of the Board of Conference:

A large percentage of the men were members of, and amenable to, organizations which existed in the Department under former administrations.

Aside from those identified by membership with these organizations, there were many, not members, who held a latent sympathy with the old system of settling differences by strikes. In fact, it was generally understood that wrongs must be either borne or righted by coercion. Arbitration

was looked upon as a far-off theory, applicable, perhaps, at times, somewhere and under certain conditions; but the idea of its adaptation to and adoption by a municipal department of the city of New York, and especially the Department of Street Cleaning, where political preference was the only rule they had ever known, had never entered their minds. In fact, they were warned by skeptics, both outside of the Department and among themselves, to "look out for Waring; this is one of his tricks." That any commissioner of Street Cleaning, even though he were an "angel," should honestly intend, and honestly endeavor to deal fairly with the rank and file of those under him, was too much to believe. There must, they thought, be some sinister motive behind it.

Gradually, however, the better element among the men did believe in it, and as their faith grew stronger, the malcontents were either converted or thrust out, and slowly, but surely, the "Committee of 41" became a body of earnest and honest coöoperators with the Commissioner, toward the mutual confidence so essential for contentment on the part of the men, and without which the best results from the combined efforts of the Commissioner and themselves, could not be expected.

This Committee dealt with all complaints made against members of the force and with all grievances which any member claimed to have felt. The total number of cases considered by the Board during the first year, was 124, an average of over ten for each meeting.

To quote again from the report:

On October 2, 1896, the Sweepers and Drivers held an outing to which were invited their wives, sisters and sweethearts. At that time there were emphatic expressions by the men of satisfaction with the plan of arbitration.

The next pledge was for increased rapid-transit facilities. Mayor Strong's administration gave hearty sup-

port to the work of the Rapid Transit Commission which was the predecessor of the Public Service Commission. When Henry R. Beekman became Justice of the Supreme Court, Edward M. Shepard was appointed his successor as counsel to this Commission. It was Shepard who drew the contracts for the construction of the first subway. A masterpiece of work they were. This subway was originally planned with a branch on the East Side, but the Appellate Division of the Supreme Court refused its consent to this branch on the ground that the construction of it would unduly increase the indebtedness of the city, and partly also on the ground that the East Side facilities for rapid transit were greater than on the West Side. A curious instance of the development of corporate sentiment on a subject of this sort exists in the fact that when this subway was planned, an offer was made by the Commissioners to give to the New York Central Railroad a station of the subway at their terminal. Indeed the New York Central could have obtained the charter for the first subway had it been so minded. The franchise was offered at auction, but there was not a single *bona-fide* bid. The railroad officials looked with so much doubt upon the success of the new enterprise that they refused to take the franchise and refused also to permit a station to be constructed under their terminal. This station accordingly was constructed under Forty-second Street adjacent to Park Avenue. In the new terminal of the New York Central there is direct access to the subway. The easterly branch, which was part of the first system as planned, is now (1916) being constructed in Lexington

Avenue. One part of Shepard's plan for the stations was to prohibit advertising signs in them. Here however the operating company carried its point and these signs are to be seen in every station. The artistic design of these stations is largely due to Mr. Shepard's insistence in the contract for construction.

The Committee of Seventy also pledged the city to the improvement of its piers and waterfronts. The piers constructed under the Strong administration were a great improvement, not only in size but in convenience over any that we had before. The credit of these improvements is largely due to the engineer-in-chief of the Department, George S. Greene, Junior. These became a source of revenue for the city and a great convenience to travelers and exporters.

Charles H. T. Collis was the Commissioner of Public Works. A new line of mains was laid to afford a better supply of water to that part of the city below Canal Street. The size of the buildings in this district had increased. The population during the daytime had increased in even greater proportion and the risk of fire called loudly for this change. I tried to convince the Mayor and Collis that the opportunity should be taken to construct a pipe gallery in which not only this new main but the gas pipes and electric pipes could also be placed. Their objection was on the score of expense. I argued that in the end the expense would be less, because it would not be necessary to cut up the pavement of the streets whenever repairs were required or new pipes were to be laid. But in this I failed. We are not yet educated up

to the point of pipe galleries, although the experience of Paris has shown them to be a great advantage.

We effected the division of the Department of Charities and Correction. On the first of January, 1896, an Act took effect, providing for the appointment by the Mayor of separate Commissioners of Charities and of Correction. This has greatly improved the administration of both departments.

The City College had long since outgrown its quarters in the building on the corner of Lexington Avenue and Twenty-third Street. The additions which had been made to it and the rooms which had been hired for its use were inadequate and inconvenient. The Board of Education who were then *ex officio* trustees of the City College determined to construct a new building on the site of St. Nicholas Terrace south of One Hundred and Thirty-ninth Street. A limited competition was decided on. Plans were submitted by the various competitors, among whom were McKim, Mead & White, George M. Huss, who was himself a City College graduate of the class of 'Seventy-three, and others. The plans were open for public inspection in the hall of the College. The Associate Alumni appointed a Committee to examine them and to confer with the Executive Committee of the Board of Education. I was chairman of this Alumni Committee. I consulted with my friend and classmate, Russell Sturgis, on the subject, and it was with his full concurrence that our Committee recommended the collegiate Gothic design of George B. Post. This was the one selected by the Committee and adopted in the erection of the College build-

ings. There are certainly no finer college buildings in America.

In this administration the Police Courts were reorganized. The Police Magistrates who were in office in 1894 were in the main unfit persons. They had been elected on the vicious district system, which of all methods of selecting judges is probably the worst. It is very well to say that you should trust the people. Certainly we should trust the people to do what the people are competent to do and willing to do. But the average voter is not familiar with the qualifications of candidates for judicial office and as a rule is not qualified to pass upon them. Experience shows that he will not take pains to inform himself about them. I venture to say that in the election of 1912 three-quarters of the voters of the State of New York could not have told the names of the candidates for the Court of Appeals. Yet this was the most important State office to be filled at this election. This criticism is far more applicable to the election in small districts.

One of the first undertakings of the Committee on Legislation of the Seventy was to draw a bill abolishing the existing Police Court and providing for a new Board of Police Magistrates to be appointed by the Mayor. The bill passed. Mayor Strong took great pains to inform himself as to the merits of the various candidates for this new position. He appointed a committee of lawyers of which Mr. Charles C. Beaman and myself were members. We met at his house and went over the names which had been suggested. In the main he followed our advice. He made an admirable selection. It is especially in the in-

terest of the plain people that the Police Magistrates should be honest, industrious, intelligent, with a knowledge of human nature and a keen sense of justice.

I have thus told the story of the good side of Mayor Strong's administration. It was not to be expected that he should make no mistakes. His most serious error in judgment caused him great trouble. In an endeavor to be nonpartisan he became multipartisan. It seemed to him proper that he should give to the various organizations that had supported him the naming of the persons to fill some of the offices within the scope of his power of appointment. In some cases he made appointments thus recommended, without sufficient consideration of the merits of the candidate. One of the appointments to the Fire Department was particularly obnoxious.

During his administration it had been decided, by a referendum under an Act of the Legislature, to unite with the old New York, Brooklyn, Staten Island, about half of Queens County, and the southern part of Westchester County. A new charter was framed and adopted.

The citizens who had united to elect Mayor Strong had to deal, in 1897, with the more serious problem of the election of an independent Mayor, who would make for Greater New York an even better record than Strong had made in the old city. We determined to form a Citizens' Union, a permanent municipal-reform party, independent in national politics, and able to take advantage of the provision of the new State constitution, that municipal elections should be held in different years from National and State elections. On February 22, 1897,

we issued an address to the citizens of New York. We declared:

The issues presented will be purely local. The result of the election will determine whether, for the ensuing two years and probably for a much longer period, the City of New York is to be governed solely in the interest of its citizens or in reference to the aims and policy of National and State parties. In this respect the election of 1897 will be a crisis so important as to demand of every citizen the full performance of his public duty.

Experience has demonstrated: first, that good city government cannot be secured through the agency of existing parties organized upon National and State issues; and, second, that it can be secured through the united action of citizens earnestly determined that the city shall be governed solely with reference to the welfare of the city and its citizens. But it is essential that this action shall be concerted, and that it shall be thoroughly organized.

A large number of citizens have resolved to unite in furtherance of the administration, and for this purpose to organize a Citizens' Union. By this term is meant an association of voters devoted to the one end of securing permanently for the city honest government and efficient administration of the city's affairs, unqualifiedly pledged to disregard all considerations of National and State politics and parties in the election of city officers and the government of the city.

A committee of organization was formed. Of this the following were prominent members: Elihu Root, Abram S. Hewitt, John Clafin, Charles S. Fairchild, Gustav H. Schwab, George L. Rives, John E. Eustis, James C. Carter, Wager Swayne, James B. Reynolds, Henry White, John Crosby Brown, R. Fulton Cutting, Edward D. Page, Charles H. Strong and Nicholas Murray Butler. A meeting on the evening of March 22d

effected a permanent organization. We issued an appeal to the voters of Greater New York on April 9, 1897:

Without calling upon any citizen to surrender in any degree his allegiance to his party, we insist upon an entire separation of municipal government from National and State politics, and we appeal to all good citizens of whatever party to unite with us in an organized effort to accomplish the objects of this Union.

On this basis we asked the voters to enroll. The declaration was printed on the back of the enrolment blanks, and these were sent to every voter who had been registered at the previous election, with the request that he sign it and return it to our headquarters, No. 39 East Twenty-third Street. About 23,000 enrolled. We formed an executive committee, of which James B. Reynolds was the chairman. There were numerous sub-committees and a campaign committee in each Assembly district in Manhattan and the Bronx. One of our most effective members in Brooklyn was Abner S. Haight.

R. Fulton Cutting was elected chairman of the Citizens' Union; Charles Stewart Smith, vice-chairman; J. Kennedy Tod, treasurer; and we set to work at once to prepare for the campaign. The Committee on Press and Literature, of which R. W. Gilder was chairman, issued a campaign text-book, entitled *The City for the People*. This dwelt, first, upon the vital importance of separating municipal elections from party politics.

Ex-Governor Flower, for the Democratic organization, protested against this principle, and Edward Lauterbach made a similar protest on behalf of the Republican organi-

zation. We had to face them and their associates. We pointed out evils that had flowed from partisan administration of the city government ever since the year 1821, when, for the first time, the city was given by the constitutional convention of that year the power to elect its own officers.

We also pointed out evils that had resulted from the interference by the Legislature with the government of the city. We quoted from Mayor Grace's second message in January, 1882:

To strive for reform in municipal government while admitting the uncontrolled right of partisan legislative majorities at the State Capitol to change our Charter system at will, is to strive for the impossible. While the city of New York is a body politic, it is none the less a business corporation possessed of a vast property, having interests of imperial magnitude, and the transaction of the affairs of which demands the expenditure of many millions of dollars annually. How its affairs should be managed, how its millions should be spent and by whom, should be determined by the citizens who stand to the city as corporators to a corporation, and who have a personal stake in the welfare of the community, rather than by an external and less interested body.

Not only had the money of the city been wasted by the partisan mayors who had succeeded Mayor Hewitt, but the police administration, which he had reformed, had become as bad as ever.

In the words of Senator Lexow the public had

believed that toll and tribute were levied sporadically, according to the pressing necessities of officials, but no one had appreciated that corruption had been reduced to such a perfect system, extending throughout every precinct of the city, and

was so systematized that upon the transfer of captains not even the conversations with the ward men were necessary in order to impress upon them their duty as collectors of unlawful revenue. This had been proven to be the true state of affairs—not apparently the creation of months, but of years during which undoubtedly the evil has progressively increased until we find it in its present condition of perfect development.

Mayor Strong had become convinced of the evils of partisan administration and his declaration earlier in the year was of great value to us.

My experience in the City Hall has impressed me strongly with the fact that the conduct of a city government is purely a business matter. This applies to the work of the different departments quite as much as to the Mayor's office, and I venture to say as the result of my observations that whenever the City Departments have been used for political purposes they have been used against the public interests. The further away from politics that a city officer gets in the performance of his duties, the better for him and for the people.

We called attention to the great improvement in the organization of the city government. In Governor Tilden's first annual message in 1875, he made the following statement:

It is long since the people of the city of New York have elected any Mayor who has had the appointment after his administration of the important municipal officers.

Since that date the power of the Mayor had been greatly increased. One fruitful source of corruption, the power of the Board of Aldermen to reject his appointments, had been abolished. Under the new charter the Mayor was to appoint all the administrative officers of the city

except the Comptroller. On the other hand the power of the city government in reference to taxation and indebtedness had been limited by the Constitutional Amendment recommended by Governor Tilden and required by the Constitution of 1846, which Tilden had helped to frame. This provided as follows:

No . . . city of over 100,000 inhabitants . . . shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per cent. of the assessed valuation of the real estate of such . . . city subject to taxation. . . . The amount hereafter to be raised by tax for . . . city purposes, in any . . . city of over 100,000 inhabitants . . . in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per cent. of the assessed valuation of the real and personal estate of such city.

The amendment of 1896 limited the power of the Legislature to amend the charters of cities, and required that this should be done by general law. It also provided that after any bill for a special city law has been passed by the Legislature, the House in which it originated shall immediately transmit a certified copy thereof to the Mayor of such city. The Mayor is required to return the bill within fifteen days to the House from which it was sent, or, if the legislative session has ended, to the Governor, bearing the Mayor's certificate as to whether the city has or has not accepted the bill.

Another important increase of the powers of the city had been in reference to the grant of public franchises. These were originally, except markets and ferries, under the control of the State. The first street railroad com-

panies in New York City were chartered by the State without any control from the city authorities. In 1875 provision was made for the appointment of Commissioners of Rapid Transit by the Mayor of the city. Under this act the elevated railroads had been authorized, incorporated, and operated. This act provided for the appointment of a special board upon each application for a franchise. At a later period provision was made by law for a permanent Board of Railroad Commissioners, to whom such applications should be submitted, and this again at a later period gave place to a Public Service Commission.

One of the first of our Mayors to advocate the requirement that franchises in the gift of the city should be utilized as sources of revenue, was Mayor Grace. This he did in his message of January 3, 1881. Mayor Hewitt, in 1888, urged upon the Board of Aldermen that the existing street railroad companies could claim no vested rights in the exclusive use of the streets upon which they had been authorized to run cars, but that as experience developed better means of transportation through the streets, "the rights which private parties may have acquired cannot be urged as an obstacle to the exercise of the inherent and superior rights of the people. The question of indemnity and compensation would be one for the courts to settle." The positions thus taken were advocated in the press and from the platform, not only in New York, but in many other cities.

The new charter which had been framed for the Greater New York had given the city practically, though not in name, a commission government. The Board of Esti-

mate, which is the real governing body, is a Commission composed of the Mayor, with three votes; the Comptroller, with three; the President of the Board of Aldermen, who is the Vice-Mayor, also with three; Borough Presidents of Manhattan, Brooklyn and the Bronx, with two votes each, and of Richmond and Queens with one vote each. The three first named officials are elected by the city at large, and with their nine votes constitute a voting majority of the Board.

The charter also contained certain requirements, which may thus be summarized:

The rights of the city in and to its property (waterfront, streets, etc.) are inalienable.

Hereafter no franchise to use this property shall be granted for a longer period than twenty-five years, with renewals optional on the part of the city, but not to exceed in the aggregate twenty-five years more.

Upon the termination of such a grant, the plant and property in the streets shall, as the terms of the grant may prescribe, either become the city's property, without money payment therefor, or be taken at a valuation.

In the event of taking the property without compensation, the city may conduct the service itself or renew the old lease for not more than twenty years, or grant a new lease for not more than twenty-five years.

During the campaign of 1897 we called attention to the fact that the city was receiving a revenue from ferry rents of \$346,598; from dock and wharf rents, \$3,039,015, and from water rents, \$4,051,555. The old Croton Aqueduct, which was finished in 1842, at a cost of \$8,575,-000, had been paid for many times over by the water

rents, and in comparison with these revenues the receipts from railway franchises and street-car licenses of New York amounted in 1896 to the wholly inadequate sum of \$334,013. Mr. Low's letter of acceptance took strong ground on this subject.

Meanwhile a bill had passed the Legislature in 1894 which provided that the question of municipal construction of an additional railway should be submitted to a vote of the people, and that, if the people should so determine, the Commission was to design and construct a rapid-transit railway and secure for it a lessee. On November 6, 1904, the question of municipal construction was submitted to popular vote, and was answered in the affirmative. In accordance with this vote the Commission determined on the line of the first subway, extending from the South Ferry northward to Ninety-sixth Street, and there diverging in two branches. When the subway was finished it was leased. This lease has been a source of profit to the operating company and an increasing source of revenue to the city.

The founders of the Citizens' Union were profoundly impressed with the importance of the coming election. We made a careful canvass of candidates. Seth Low had served as Mayor of Brooklyn with honor to himself and usefulness to the city from January 1, 1882, to January 1, 1886. In October, 1889, he became President of Columbia College. During his presidency that college became a university, and established on Morningside Heights buildings worthy of the university and of the city. He was a member of the Greater New York Charter Com-

mission, had acted as referee in many arbitrations of disputes between labor unions and employers, and had been active in the direction and management of many charitable societies. In short, he seemed to us the man for the place.

Accordingly, we circulated blanks in the following form:

For Mayor, Seth Low.

The undersigned voters of the city of New York desire the nomination and election of the Honorable Seth Low as Mayor.

These blanks were signed by 127,903 voters. The total vote at the subsequent election of 1897 was about 525,000. To start with an enrolment of nearly one quarter of this number was a good beginning. The nomination was tendered to Mr. Low on the third of September, and ten days afterwards he gave us his formal letter of acceptance. He closed with the following:

The city of New York will have a population larger than that of most of the States of the Union, and larger than that of all the colonies combined when they issued their Declaration of Independence. The wish of those for whom you speak, as I understand it, is especially to secure for this imperial city the opportunity to start upon its new career under an administration pledged to make the interests of the city its supreme care. Such a purpose ought to appeal to the civic pride of every citizen. I could wish that the popular movement that you represent had designated some other man to lead in the great struggle; for in such a cause it would have been a pleasure to serve in the ranks. But if my fellow-citizens see fit to entrust the arduous task to me, I shall serve them loyally with every power that I have.

Then we entered actively upon the canvass. We held meetings in all parts of the city. We circulated

posters and cards, pamphlets and leaflets. The newspapers generally were with us and we had strong hopes of success.

But the Republican organization refused to endorse Low. One of their leaders said:

The trouble with Low is that he not only would not appoint a man named by Mr. Platt, but even if Mr. Platt gave him two or three names to choose from, very likely he wouldn't take one of them.

The Republicans held a City Convention on September 18th. The platform endorsed the Republican party measures, and particularly the McKinley tariff, which had been obnoxious to the city of New York. It endorsed the administration of Governor Black, and the record of the last Legislature, which had adopted the Black bill, which, in the words of its author, was intended to "take all the starch out of civil service reform." Yet the convention had the boldness to say:

Every intelligent voter knows, on the other hand, that, if the first Mayor of the Greater New York is a Tammany Democrat, the effect will be greatly to revive the hopes and promote the schemes that are grouped in the public mind under the name of Bryanism, and, at the same time, to deliver this magnificent metropolis into the hands of an organized conspiracy for public plunder.

This curious coupling of national politics in reference to the gold standard, and of local administration, was in keeping with the rest of the platform. Upon it the Convention nominated Benjamin F. Tracy for Mayor.

He had been Judge of the Court of Appeals and Secretary of the Navy. In his speech of acceptance he declared:

The great duty of the hour is union and harmony among the friends of good government. It is obvious that the struggle that we are about to enter will be a severe one, and that the result may be determined by the action of a small number of voters. If two candidates remain in the field and divide the votes that should be united, the chances of success will be obviously less.

Yet, in spite of this desire for union, the platform upon which he was nominated was one that the Democrats could not possibly support, because it injected national politics into municipal affairs. Nevertheless he remained in the field until the day of election. A body of Independents, calling themselves Jeffersonian Democrats, nominated Henry George for Mayor. George died during the campaign, but his son caught up the banner and continued to advocate a separate ticket. To oppose the unfortunate division created by the nomination of Tracy, we circulated a great deal of literature. The following card, of which hundreds of thousands were printed, is a sample:

There is no such thing as a free-silver way of running our schools.

There is no such thing as a high-tariff way of putting out fires.

Keep national issues out of the city election.

Enroll in the Citizens' Union, and elect city officers who will run the city government for the people, and not for any boss or party.

On the back of this was the declaration of the Citizens' Union which has been already quoted.

We coöperated with leading Republicans in calling a Republican meeting to endorse the nomination of Low. This was held at Carnegie Hall, October 22d. Mr. Low, Mayor Strong, Elihu Root, Wager Swayne and Joseph H. Choate addressed the meeting. This meeting was enthusiastic, but, as all New Yorkers know, enthusiastic meetings do not always imply success in the election.

The great day came when the votes were counted, and the results were as follows:

For Mayor,

Van Wyck.....	233,997
Low.....	151,540
Tracy.....	101,864
George.....	<u>21,693</u> 275,096
Van Wyck over Low.....	82,457
The field over Van Wyck.....	41,099

In this computation I disregard a small Socialist vote. If all the Tracy voters had voted for Low, we should have carried the election. The Republican declaration that Tracy was the most available candidate was absurd, and the fine talk about harmony in which he indulged was visionary.

Thus it came to pass that Robert Van Wyck became the first Mayor of Greater New York. Our arguments had been just and true, but a story which Benjamin Franklin tells in his amusing autobiography accounts in part for the result. Mayor Strong's administration had been one of continuous reforms. The administration of

the city government made more progress during his term of three years than during that of any Mayor in my time except the period immediately after the downfall of the Tweed régime.

This is the story. A friend of Franklin's thought he would like to have an axe, the sides of which should be as polished as the edge. He applied to Franklin for assistance. Franklin agreed to hold the axe if his friend would turn the grindstone. They set to work, and after a while took off the axe for examination. The sides were partly polished as the result of much sweat. Franklin proposed to resume the task, but the friend declined, saying: "I think I like a speckled axe best."

On the whole it does appear that after every era of reform, the number of persons to whom the reform in one respect or another is disagreeable is so great, and the excesses of some reformers have made their cause so offensive, that the majority of the voters conclude that it would be too fatiguing to polish up the whole axe and that it is better for a while to take it speckled as it is.

## CHAPTER XIV

### NEW YORK CITY POLITICS, 1902-1915

DURING the Low campaign, one of the amusing features had been a little periodical called the *Nursery*, which was edited and published by John J. Chapman. He said that the object of the *Nursery* was to tell the truth, and he did tell some home truths in a brilliant way. He gave the following consolation:

Defeat on election day? Why, man, what are you saying? There were just 151,700 victories on the 2d of last November. Every man who voted for the candidates of the Citizens' party achieved a victory over himself; over his purblind ignorance; over his cowardice; his partisan spirit. He fought for freedom, and he won. When men have conquered themselves, then, and not till then, they may begin to hope to win victories over others.

The boss system which lives in the hearts and in the customs of New Yorkers must be destroyed. The great initial victory which that vote records is a prologue to the downfall of the whole accursed thing.

The Low campaign has drawn together the men in whose hands lies the future. Let them not disperse.

We took this advice. November 17th we appointed a special committee of seven to draft a plan of permanent organization. Charles S. Fairchild, who had been our candidate for Comptroller, was the chairman. On

February 16, 1898, it reported unanimously in favor of continuing the Citizens' Union as a permanent organization. It provided for a general city committee, for an association in each Assembly district and for a central committee for each borough.

We kept up our activity during the administration of Mayor Van Wyck. We took active part in the election for Justices of the Supreme Court in the First Department in 1898 and 1899, and in the election for Aldermen in the latter year.

In the canvass for candidates for the Supreme Court we had the active assistance of the New York City Bar Association, and in all our electoral activities we coöperated with the City Club. We had also the coöperation of the Republican County Committee in New York County.

Meanwhile Van Wyck and his associates began to make things easier for the campaign of 1901 by the revival of the practice of levying tribute on illegal resorts and using a portion of the proceeds to enrich political leaders and maintain the party organization. Van Wyck had made a clean sweep of the heads of departments appointed by Mayor Strong, but had no power to remove the acting Chief of Police, which office was then filled by John McCullagh. He accomplished this removal, however, by removing two out of four Police Commissioners, whom he himself had appointed, and by appointing another, Jacob Hess, who afterwards testified that he knew before the Mayor appointed him that he was to vote for the removal of McCullagh and for the appointment of Devery.

Hess kept his promise. McCullagh was removed, and Devery was appointed in his place.

Devery had been dismissed by the Police Board in 1894, but unfortunately the Supreme Court felt obliged to reverse the dismissal because of defective procedure on the trial.

With Devery in office, the city ran wide open. Some of the worst conditions existed in the Tenth Ward and were brought to light by a mission that the Episcopal Church had established at No. 130 Stanton Street. Bishop Potter went there to live for some months, and made himself familiar with the neighborhood. In a letter to the Mayor, dated November 15, 1900, he used the following language:

SIR: At No. 130 Stanton Street, in this city, there is a work for the people resident in the neighborhood of a missionary, educational and social character, for which for some years I have been directly and personally responsible. Its influence for good order and good morals, to describe it in no other way, has been considerable, and has been recognized, I think I may venture to say, by those who know it as of real and enduring value. It is not only a center for the ministrations of religion, but also for training in various arts and handicrafts, for a free library, gymnasium, cooking, sewing and other schools, etc., etc., and as such, for those whose lives are often hard and narrow and whose pleasures and privileges are few, it has been recognized as an important factor in promoting the good order of the communities to which it ministers.

The missionary referred to was the Rev. Walter Paddock, now (1916) Bishop of Eastern Oregon. He found the white-slave trade and the payment by the keepers of

bawdy houses of regular tribute for protection from the police, in full vogue in the district. Even children were called in to aid in the traffic by circulating cards of solicitation. It is impossible to describe the details which were made public.

Mr. Paddock remonstrated to Captain Herlihy, who was in command of the district in which the Mission was situated, and was treated by him with contempt. To use again the language of Bishop Potter, in his letter to Van Wyck:

But the thing that is of consequence, sir, is that when a minister of religion and a resident in a particular neighborhood, whose calling and character, experience and truthfulness, are alike widely and abundantly recognized, goes to the headquarters of the police in his district to appeal to them for the protection of the young, the innocent and the defenceless against the leprous harpies who are hired as runners and touters for the lowest and most infamous dens of vice, he is met, not only with contempt and derision, but with the coarsest insult and obloquy.

I affirm that such a virtual safeguarding of vice in the City of New York is a burning shame to any decent and civilized community and an intolerable outrage upon those whom it especially and preeminently concerns. I am not, I beg to say, unmindful of the fact that the existence of vice in a great city is, practically, an inevitable condition of the life in such a community. I am not demanding that vice shall be "stamped out" by the police or any other civil authority. That is a task which would demand for its achievement a race of angels and not of men.

But I approach you, sir, to protest with all my power against a condition of things in which vice is not only tolerated, but shielded and encouraged by those whose sworn duty it is to repress and discourage it, and, in the name of unsullied

youth and innocence of young girls and their mothers, who, though living under conditions often of privation and the hard struggle for a livelihood, have in them every instinct of virtue and purity that are the ornaments of any so-called gentle-woman in the land.

This letter was sent by the Bishop in accordance with the vote of the Convention of the Episcopal Church in the Diocese of New York, which had just been in session, and had heard the Bishop's report of the shameful conditions prevailing in the Tenth Ward. I was a member of that Convention, and can never forget the honest and manly indignation which this report aroused in that usually sedate assembly.

The Mayor talked well when this letter was made public. In a letter to the Police Board he declared:

I wish it distinctly understood that to this end I shall use to the utmost limit all the power vested in me, and that I shall hold to personal responsibility those who fail to exert themselves in like manner.

President York was obliged to admit publicly on November 17th:

There is no use mincing matters. If places are running openly on the East Side, or on any side of this city, it is the fault of the captain of the precinct. They cannot run openly without his assistance. . . . It is true, as you say: it stands to reason when a vile place is running so openly day after day that every passer-by knows what it is, and can go in without any trouble, that the captain is getting some consideration for letting this thing go on.

Meanwhile the public indignation had been aroused to such an extent that a meeting of prominent citizens

was called in the Chamber of Commerce on the 27th of November, 1900. Bishop Potter was asked to attend this meeting, and made the following remarkable reply:

No; I shall not be able, owing to a trustee meeting, to attend the meeting of the Chamber of Commerce to-day, nor, I think I ought to add, should I do so if I were free.

The aim of such a meeting would be, primarily, to unify the forces on the side of the law, decency and the protection of the weak in this community. But in such an effort an ecclesiastic is not the best instrument. His particular affiliations make him distinctly not a *persona grata* to priests and ministers (and sometimes people) of other communions, with whom the *odium theologicum* is still a very active sentiment. The clergy may fitly exercise the prophetic office of rousing, warning, entreating, but in social and political movements their best services will be in the ranks, where, as in the times of stress and siege, they may patrol, mount guard, keep watch, but leave to others the task of generalship.

As to this in the present emergency, I am quite clear. New York wants a strong committee of three or five trusted laymen to coördinate forces, sentiment, purposes; and then, if we can maintain the present awakened sense of danger, the rest will almost accomplish itself.

Charles Stewart Smith was the chairman of the meeting. George Foster Peabody was its secretary. Ex-Mayor Hewitt was called upon. He referred at the outset to a committee of investigation that had been appointed by Tammany Hall:

The incident which led to the formation of a committee commonly called the Purity Committee, which is now investigating the condition of the city on the part of Tammany

Hall, was either called by what the Bishop said or by the intimation that he was going to take action in consequence of the Diocesan Convention. At any rate, when the head of Tammany Hall spoke out and the Committee was appointed, it was the first confession, so far as I know, which came from the governing power of the city that they knew there was anything wrong. Everybody else was aware of it. But two years ago reform was sent to hell by a leading official of the Administration, and there reform seems to have remained for two years.

Reform has been undergoing the punishment which Tammany Hall thought it deserved. If reform reappears from the purgatorial—to use a very mild phrase—from the purgatorial conditions to which it was assigned, it was because the head of Tammany Hall thought it was time to let up a little on reform and bring it out where it might have a little relief from the tortures under which it has been suffering.

Both Mayor Hewitt and Col. Joel B. Erhardt, who had been a Police Commissioner, spoke of the evils that flowed from the bi-partisan Police Commission. Dr. Paddock declared that immediately upon the publication of Bishop Potter's letter the District Tammany Hall leader, Martin Engle, the Assemblyman, Isidore Cohen, and the Senator, Timothy D. Sullivan, offered to close up the disreputable houses in the district, and they were closed within twenty-four-hours. But he added: "It is needless for me to say that in a very few days it was opened up again."

The meeting voted that a committee of fifteen be appointed by the chair,

the duty of which it shall be to coöperate with other committees or organizations in their discretion having kindred objects in view, and which shall carefully watch the actions of the constituted authorities, whether or not they will per-

form to their full extent the duty imposed upon them by law, to prevent and eradicate vice in every form.

The committee accordingly was appointed. James C. Carter, John S. Kennedy, Jacob H. Schiff, George Foster Peabody, William H. Baldwin, Jr., and the Rev. W. L. Paddock were members of it.

One of the first results was to convince the Legislature that the bi-partisan Police Board should be abolished. Gov. Roosevelt recommended this in his usual forcible manner, and a bill was passed, which he signed February 2, 1901, abolishing the Police Board and the office of Chief of Police, and creating a single Commissioner of Police. Thereupon Michael G. Murphy was appointed by the Mayor, and he had the effrontery, after all that had happened, to appoint Devery as his Deputy.

Meanwhile the Committee of Fifteen had set vigorously to work. William H. Baldwin, Jr., was appointed its chairman. Robert Grier Monroe was selected as its counsel. Many gambling and disorderly houses were closed. In a new poolroom that had been recently opened at No. 52 Broad Street, the following entry was discovered in an account book, "First payment, \$500."

Then came the case of Lena Schmidt, who charged George Bissert, wardman of the Fifth Street police station, with extorting money from her. She had paid him \$500 as an "initiation fee," and was to pay him a monthly fee of \$50. Bissert pleaded not guilty and resorted to every device to avoid a trial. He was convicted on the first of August, in spite of every possible move that could

be made. His counsel fled to Fredonia, in Chautauqua County, and tried to get a certificate of reasonable doubt from Justice Hooker, but the Justice refused the certificate, and Bissert went to jail. Meanwhile, Captain Diamond, of the same district, was indicted for wilful neglect of duty, and it seemed as if the greedy Captains were coming to justice.

The want of sympathy that Croker and Michael G. Murphy had for these attempts to rid the city of its greatest shame was shown in the fact that when Glennon, Shields and Dwyer, of the infamous Tenderloin district, were arrested on warrants charging them with wilful neglect of duty and were indicted on August 22d, Murphy went through the form of suspending them from duty, but Devery remonstrated, and they were at once restored to duty and pay.

One of the extraordinary features of this campaign was a raid that was made under the direction of Edward Sandford, the Assistant District Attorney, upon the "Webster Hotel," as it was called, in East Fifteenth Street. Police Captain Glennon, who was an active Tammany politician, was found in the back room of the first floor, talking in a friendly manner with the woman who kept the place. When the raiders entered, he was naturally surprised.

Here let me give some account of Richard Croker, who was then leader of Tammany Hall. Between 1881 and 1901 he had become a conspicuous figure in New York City politics. He was a man of humble origin and came very near having his political career cut short in conse-

quence of an indictment for murder. He took part in an affray in which a man was killed. Croker was accused of the murder and was indicted and tried for the alleged crime. He claimed that he acted in self-defense. The jury disagreed.

So good a citizen as Abram S. Hewitt was convinced of Croker's innocence, and befriended him after the trial. Croker showed such talent for organization that he gained the confidence of Tammany Hall. He held numerous offices under the city, including the responsible one of City Chamberlain, and acquired a large fortune. This enabled him to buy what his adversaries called a castle in Ireland and a stud of racing horses, which sometimes took prizes in English races. These sports of Mr. Croker and his consequent absence in Europe were the source of ridicule from his political adversaries. In spite of them all he retained his leadership for many years.

In an article in the *Atlantic*, February, 1902, Edward M. Shepard gave this account of the man and his position:

The newspapers estimated, with practical genius, the danger of scattering fire, and the advantage of a specific target, from which their range should never be diverted, and which should have about it a personal and familiar picturesqueness sure to hold popular attention. This they found in Richard Croker, the leader of Tammany Hall. In cartoons, and in the virile and unweariedly continuous work of reporters and editorial writers alike, they held him up as a heavy, brutal, dull, insolent, corrupt, tyrannical, reckless, unreasoning, absentee political "boss." What measure of justification there was for this it is not within the scope of this article to inquire.

I may say, however, that where in our country, with our

secret ballot and free and constant discussion, one man holds for half a generation (not for the five or six years of a Tweed, or the three or four years' popular militarism of an Alcibiades) the effective support of great masses of citizens of an industrial and highly civilized community (including for shorter or longer periods, men of all grades of wealth, intelligence and public spirit), so that his will is, or, rather, seems to be, theirs, a philosophic observer will probably believe that there are at least some errors or omissions in such a portraiture. If not, then there are many problems, puzzling indeed, in the history of Manhattan Borough, and among them the nomination of so justly distinguished a character as Abram S. Hewitt by Tammany Hall under the Croker leadership in 1886, and his appointment of Mr. Croker to important office in 1887 after many years political acquaintance between them.

These remarks of Mr. Shepard pointed out a fact that is often overlooked by New York reformers. This is that Tammany Hall is not altogether evil. There are many men in it of ability and high character. There is Morgan J. O'Brien, for many years Justice of the New York Supreme Court, and Presiding Justice of the Appellate Division. It gave me great pleasure in 1901 to move his renomination by the Citizens' Union. He was re-elected with unanimity. He has said to me since that he thought on the whole a citizen could accomplish more good in the organization than out of it. Another is Senator O'Gorman, a City College man, who for many years was a clear-headed, able and impartial Judge.

Their relation to a chief like Croker reminds me of the account Macaulay gives of the relation between William Pitt and the Duke of Newcastle. Pitt used to

say to those who applied to him for patronage. "His Majesty is graciously pleased to consult me in regard to the foreign affairs of the Kingdom, but when it comes to pensions, places, and getting bills through Parliament, you must go to the Duke of Newcastle."

The only personal transaction that I had with Croker was early in 1889. The White Star Line was about to bring out the steamship *Teutonic*, which was the largest ship then afloat. Her length, 582 feet over all, is not considered great at the present day. Steamships of over 900 feet in length have since been built. At that time it exceeded by about forty feet the length of the longest White Star pier in the Hudson River.

I was counsel for the Line and was instructed to obtain the legislation necessary to authorize the Dock Department of New York City to lengthen the pier. We secured the consent of the authorities at Washington, but an act of the Legislature was required, because the pierhead line had been fixed by the Legislature of the State of New York. When I came to the Bar in 1861 the method of obtaining such legislation would have been to draw a bill, get a friendly member to introduce it and have a hearing before the appropriate committee.

But legislative methods had changed. It had become a tradition that local bills must have the support of local members. Practically in 1889, no New York City legislation could be passed unless it had the support of the majority of the New York delegation. This method had advantages. Under the previous system, local bills were sometimes passed which were obnoxious to the locality

to which they were to apply. On the other hand, this localizing of legislation sometimes enables local bills to go through which are much against the public interest. Another consequence of this change of methods is that local legislation to a great extent is directed by the political leaders in the locality, and does not receive impartial consideration from the Legislature.

To get the White Star bill through, it was important, if not essential, to enlist the support of the Tammany leader in the County of New York. Accordingly I called upon Croker. I told him that the White Star Line was about to bring out steamships which were too long for their piers; that suitable piers were offered us in Hoboken, and that it would be necessary for the Line to take its large steamships across the river unless the piers on the New York side could be lengthened.

He said he saw the importance of the change, and would advise his friends in the Legislature to vote for the bill. The bill was introduced and was passed. He never asked of me any return of any sort for his support of this bill, and, so far as I know, he never asked any return from the Line. I think I should have known it if he had done so.

The abuses that Croker tolerated or encouraged during Mayor Van Wyck's administration were such that, in the spring of 1901, we who were working in the Citizens' Union began to feel that we were reasonably sure of success in the coming election for Mayor. It was obviously impossible that Tammany should renominate Van Wyck.

In many respects his administration showed disregard for law. An investigation under the direction of the Charity Organization Society, reported December 15, 1900, showed that the erection of tenement houses in violation of the law had been permitted. They did not have the necessary courtyard space, and the requirements for light and ventilation had been in many cases, on application of political favorites, ignored.

Meanwhile the Citizens' Union had been at work, and on November 14, 1900, it issued the following appeal:

The Citizens' Union has been for the last year actively preparing for the campaign of 1901 in this city. It has secured reliable district organizations in a large number of Assembly districts, and, in addition to its enrolled membership, believes it has secured the interest of many citizens who have been personally visited, and from whom it expects active coöperation in the campaign.

Under its new constitution the Union will hold a convention of delegates of district organizations in the month of April of next year. This convention will formulate the platform, and it is empowered to appoint a committee of seventy citizens to take entire charge of the campaign, which committee will submit to an adjourned meeting of the convention, to be held later in the year, a list of candidates for the offices to be filled at the election in November. In making nominations the convention will not be confined to the names so reported.

The Union appreciates the importance of having one ticket in the field upon which all may unite who demand the separation of municipal from State and national politics, and a civic administration without spoils, favoritism or political tyranny. With this end in view, it will spare no efforts to secure active coöperation of all organizations, societies and individuals qualified to render effective service.

There must be a non-partisan citizens' ticket, on which will

appear only the names of men "whose character and reputation are such as to assure the public that they will not use their offices nor permit them to be used for any partisan purposes."

The Union now appeals to all citizens to unite with it heartily in the effort to accomplish its purpose. If they will send their names and addresses to the central office, they will be at once placed in communication with the appropriate district committees.

At the end of this appeal was the following:

We, the undersigned, approve the policy of the Citizens' Union outlined in the above statement.

This was signed by two hundred and fifty leading citizens of the five boroughs.

This appeal received the general approval of the press. Our organization at this time was as follows: There was a city committee and a district committee in each Assembly district. All candidates for public office were to be nominated by convention. Our mayoralty convention was held at the Cooper Union. It was a large and enthusiastic body. I was appointed a member of the campaign committee.

It was desirable that a Democrat should be nominated for the office of mayor. The two independent candidates for mayor who had been supported within the last twenty years, Strong and Low, were both Republicans. Accordingly we began to consider what leading Democrat would accept our nomination, who, at the same time, would be worthy of public support.

The man to whom we naturally turned was Edward

M. Shepard. He had been an independent candidate for Mayor of Brooklyn, had been a leader in the Independent nomination for Governor in 1898 and was a man of great ability and of the highest character. It was with the approval of some of my associates in the City Committee of the Citizens' Union that I went to see him in his beautiful home on Lake George in June, 1901, and asked him if he would let me present his name as a candidate for Mayor at the coming election. He told me that he thought the action of the Republican party in buying the Philippines from Spain, in acquiring Porto Rico and in establishing a government in Cuba was fraught with danger to the republic—that it seemed to him of the utmost importance that the Democratic party should be supported, and should, if possible, be successful at the Presidential election of 1904. He said that as a means to this end it was important to keep up the Democratic organization in New York City. He condemned as strongly as any one the shameful practices that had been revealed. Therefore, he said, he could not support the Tammany ticket for Mayor, and it was his intention to go to Europe and be absent during the campaign.

I urged upon him that he was the logical candidate of the Independent voters; that he would have the confidence of the community and would be elected by a large majority. But he felt obliged to refuse the nomination for the reasons I have mentioned. I brought back the tidings with great regret. I knew Shepard intimately and had known him ever since he graduated from the

City College in 1868. He was a man of dauntless courage and of absolute devotion to his sense of duty. It was unfortunate that his convictions led him to the decision which I have mentioned.

The Citizens' Union Committee appointed at the meeting I have mentioned called into conference the following bodies: Republican County Committees of New York, Kings, Queens and Richmond Counties; Greater New York Democracy; Independent Democracy; City Democracy; German-American Municipal League of Brooklyn; German-American League of Manhattan; German-American Republican County Committee of New York; German-American Municipal League of Manhattan and the German-American Citizens' League of Brooklyn.

These organizations sent delegates to the conference and many other organizations asked to be admitted. The task of selecting the organizations who should be represented was difficult. There were many fake organizations. To separate the sheep from the goats is often difficult, and sometimes impossible. I discovered afterwards that one of the organizations that had posed as an important one during the conference, and had got a representative on the ticket, was composed of three persons only. Its President, after the election, admitted this to me.

Mr. Shepard's refusal had taken his name out of the running, and accordingly we tried to select another prominent Democrat. The man we naturally thought of was the chairman, R. Fulton Cutting. He would have

had the unanimous nomination had he been willing to accept it, but he declared that it was impossible for him, in view of the active part he had taken in the organization of the Citizens' Union, to accept any nomination at its hands. He added modestly that he thought the duties of the Mayor's office were so exacting that he was unwilling personally to undertake them, even if there had been no other objection.

But I am satisfied we could have secured his consent had it not been for the first reason. This is one that is often given by men who have been active in forming independent organizations. It seems plausible at first. But there is generally no person so competent to administer a policy as the man who has been prominent in framing it. In England it is always expected that the men who are active in political campaigns will go into Parliament and assume the responsibility for the results they have achieved.

The other Democrats whom we named in conference were George L. Rives and John DeWitt Warner, of Manhattan, and George Foster Peabody, of Brooklyn. The objection made to Peabody was that he was a banker and was not sufficiently well known to the whole community of Greater New York. Warner was objected to by the Republicans on the ground of some speeches in which he had attacked President McKinley and the conduct of the Spanish War.

I pressed the claims of Mr. Rives with ardor. I had great respect for his ability, and when the objection was made that he was too cold and stately in manner

to be a popular candidate, I replied that the same objection was made to another great Virginian, George Washington. However, the objection prevailed, and there was no other leading Democrat who was willing to become a candidate whose name was much discussed in the conference.

On the other hand, there were many Independents in the conference who thought that Mr. Low was entitled to the nomination. He had made a gallant campaign four years previous. He was well known to the whole city. He had received the highest commendation at that time from Edward M. Shepard and many other leading Democrats, and we finally agreed upon him as our candidate for Mayor.

Then came the question as to who should be nominated for Comptroller, President of the Board of Aldermen and District Attorney. The latter office was felt to be one of great importance.

In the course of these conferences I had an interview with Herman Ridder, editor of the *Staats-Zeitung*, who gave me this excellent piece of advice, which I record for the benefit of future conferences.

You must remember [he said], that the people of this city are not all American Protestants. There are a great many Roman Catholics, a great many Germans and a great many citizens of other nationalities. It seems to me that in the conferences thus far you have forgotten this fact.

The advice was excellent and we took it. We determined that there must be a German on the ticket, and the question arose, who was this German to be? We

sought advice in many directions. A most interesting interview that I presently had was with Dr. Moldenke. He was the leading minister of the Lutheran Church in this city—perhaps their leader in the whole country. He was a man of venerable appearance, with long white hair and kindly eyes. No one could be wiser than he appeared. He was a wise and judicious man, sincerely religious and without a tinge of bigotry. He made me good suggestions.

Some of the Germans to whom we applied refused to be candidates. Gustav H. Schwab was one of them. Our sub-committee finally called upon Charles V. Fornes. He was born in the western part of the State, of German parentage, became a teacher, and finally principal of a school in Buffalo, but determined to come to New York, where he became a successful business man, and the head of the firm of C. V. Fornes & Co. He had been for five successive terms President of the Catholic Club and treasurer of the Catholic Protectory. We nominated him for President of the Board of Aldermen. It was necessary to have a Brooklyn man on the ticket, and we pitched upon Edward M. Grout for Comptroller. He had been in partnership with William J. Gaynor, and had taken an active part with him in the fight against the Long Island Water Supply Company and in other notable litigations, and was an able, efficient and public-spirited citizen. He also was a Democrat.

The rule which had been adopted in the Strong campaign prevailed in 1901. It was agreed by all that if the candidate for Mayor was a Republican, the prin-

pal offices on the rest of the ticket should be filled by Democrats.

For District Attorney there was practically only one candidate considered. That was William Travers Jerome, who had been efficient as a Police Magistrate, and was well known as a skilful and experienced criminal lawyer.

And then came a great surprise, the greatest, I think, that I ever experienced in all my acquaintance with politics. Tammany Hall determined to put forward for Mayor Edward M. Shepard. In an article in the *Atlantic*, in February, 1902, he told the story of the considerations that led him to decide to accept the nomination:

The Brooklyn Democrats insisted upon a candidate quite unrelated to Tammany Hall, and of whom it would, with good reason, be believed that his determination was to reverse such of the methods of the city government as were under popular condemnation, and to undo and punish past wrong-doing. A very large part of the Tammany constituency in Manhattan, and, I think, most of its leaders, were heartily in sympathy with this requirement; and at the last it was conceded.

Shepard's nomination put us on our mettle. We had expected that Tammany would now realize, as it had in 1894, that it had no chance of success, and would put up one of the war horses, who would decorously ride before the inevitable defeat. But Edward M. Shepard was a different proposition. He began his campaign by a vigorous attack upon the Citizens' Union. He saw that his only hope for success in the mayoralty campaign

was to convince the Independent Democrats that the nomination of Mr. Low was dictated by the Republicans and that the Independent Democrats who were his associates on the ticket were unfit persons.

Perhaps he had the defect not uncommon in his profession, of conceiving the facts really to be what the lawyer wishes they were. No one who knew him could doubt that he made his attack in good faith. Nothing in my whole political life gave me so much pain as to come into conflict with Shepard on a question of this sort. We were warm personal friends; had generally agreed in politics; had worked together in many causes of great public interest.

He accused us of being hoodwinked by the Republicans. To this I replied that the experience of 1897 had convinced us that success was impossible without the support of the Republican organization; that we had conferred with its leaders as we had with the leaders of other organizations, and had done our utmost to unite them all in the common cause. I called attention to the fact that some of the Democrats whom we had suggested had declined to be candidates, that the objections to others seemed insuperable, and that Mr. Low's character and record had been fully discussed in 1897, had met with Mr. Shepard's own approval and commendation, and were certainly not inferior to what they were in 1901. All the discussions between the representatives of the Republican and other organizations had been free and open, and we had finally come to the conclusion that, on the whole, Mr. Low was the best candidate who was willing to accept the nomination.

Shepard's attack, solidified the Citizens' Union. Only two of those who had been at all active in the movement supported him. These were George Foster Peabody and Albert Stickney. Mr. Peabody was so closely associated with Mr. Shepard that he could hardly avoid doing what he did.

When Tammany Hall nominated Mr. Shepard, it expected to carry the election for officers of the County of New York. My belief is that it never expected to elect Mr. Shepard, though his article in the *Atlantic*, before referred to, shows that he entertained a different opinion. What leads me to this conclusion is the shameful nomination Tammany made for District Attorney: H. W. Unger. He was the man who became counsel for the criminals in the Tenth Ward, whose shameful acts have been related. He had resorted to every legal contrivance to postpone the trial of their cases until after the election of another District Attorney.

Another claim of the City Convention which nominated Mr. Shepard for Mayor, was that the administration of Van Wyck had pushed the completion of the subway with "a celerity without parallel." The fallacy of this pretense we were able to expose.

Croker had always ridiculed the subway and called it a hole in the ground. No bidders were found for the subway franchise, which was prepared by a commission appointed in the end of 1890. Practically nothing was done by the administrations either of Mayors Grant or Gilroy. The Rapid Transit Commission appointed at the end of 1894 took up the matter and pressed it during

the administration of Mayor Strong. But the contract drawn by it was held up in the Corporation Counsel's office during Mayor Van Wyck's administration from April, 1898, to October, 1899. Whatever celerity there was was that of the Rapid Transit Board.

During this campaign I was chairman of the law committee of the Citizens' Union. I went to see McCullagh, who was the State Superintendent of Elections, and together we set on foot a critical examination of the registry lists, in order to ascertain what persons were illegally registered, and if possible to procure orders from the Supreme Court striking their names from the list. I had forms of affidavit and notices of motion and orders prepared, and hoped that we might get information in time to enable us to move under the Election Law and get decisions before the election. We found that the persons registering illegally took advantage of the law and registered on the last day of registration. This was too late to give the notice required by law to correct the lists.

The English practice of having the registry completed six months before the election and thus giving ample time and opportunity to the revising barrister to strike names from the list, is far more conducive to honest elections than the Election Law of New York. Practically under that law the only remedy against illegal registration is to follow up the persons registering, to challenge on election day illegal voters and to prosecute them afterwards. The fear of this does deter some men from registering illegally. But it would be more rational to give time to have the lists corrected.

There is no good reason why it should be required that a man should live in the voting district thirty days before the election. It would be more reasonable to give to all citizens who resided in that district six months before the election the right to vote, irrespective of any subsequent change of residence. Then let the registration days be fixed in the spring, make them sufficiently numerous to give ample opportunity to all persons desiring to register, and provide subsequent ample opportunity to strike names from the list unlawfully there.

There was probably never a local election in New York City that excited more active interest than that of 1901. Meetings were held in every part of the city. I found the voters in Flushing as interested as they were in Manhattan. Mr. Low spoke briefly at most of our meetings, but, so far as oratory went, Jerome was our winning card. He spoke with "heat and fire and force," with the vivid picturesque oratory that carried his auditors captive.

When the vote came to be counted, Low was ahead in every borough except Queens. The vicious traditions of Long Island City were too strong for us there. The vote in the four boroughs was as follows:

	LOW	SHEPARD
Manhattan and Bronx.....	162,298	156,631
Brooklyn.....	114,625	88,858
Queens.....	13,118	13,679
Richmond.....	6,772	6,009
<hr/> Total.....	<hr/> 296,813	<hr/> 265,177

The scattering vote was insignificant. The fusion was complete and successful.

Then came the consideration of the appointments for the new administration. Here it seems to me the Citizens' Union made a mistake. It had been the moving spirit of the whole campaign. Without its activity, success would have been impossible. Yet the only office to which we asked that a member of our organization should be appointed was that of Chamberlain. I urged upon my associates that it was in the interest of the city and of the cause we advocated, that members of the Union should be largely represented in the Cabinet of the Mayor. But they were apprehensive that we should be charged with having fought the battle for the sake of office, and refrained from urging the appointment of members of our organization.

I had hoped myself to have exercised considerable influence in the matter of appointments. I had seen the mistakes which Mayor Strong had made by yielding too ready an ear to some of the political organizations that had supported him. I hoped that the charge of being a multi-partisan administration should not be truly brought against that of Mayor Low. But during the latter part of 1901 I found myself one Saturday afternoon weary and languid. I went home early, lay down, and was unconscious for a fortnight. An attack of typhoid fever had come on without my expecting it, and that good health which had been practically unbroken for over sixty years finally gave way.

Choate used to say that I was tough as a pine knot,

but there came a change at this time. When I came to myself in the middle of January, I was too weak to talk with anybody about politics, and it was a long while before I even knew who had been appointed. It was then with great satisfaction that I learned that the Mayor had appointed George L. Rives, as Corporation Counsel. He seems to me the best we have had since Judge Lacombe filled that office.

It had always been a surprise to me that Tammany Mayors should, in the main, not have been sufficiently solicitous as to the selection for this important office. Even an unfit Mayor should seek the very best lawyer he can find to undertake the responsible position of his official adviser. Theodore Connolly, who was Mr. Rives' first assistant, and James McKeen, who was Assistant Corporation Counsel for Brooklyn, were both men of first-rate ability.

The elections which have taken place since 1901 are too recent to require extended comment. Certainly the two successful candidates that Tammany Hall put forward during this period, George B. McClellan, in 1903 and 1905, and William J. Gaynor in 1909, were men of greater ability and higher character than any of its nominees since Abram S. Hewitt. Conditions in the city government are far better than they were prior to the campaign of 1901. Indeed, Gaynor, who had cooperated with Shepard in the prosecution of McKane for the election frauds in King's County commanded the public confidence to such an extent that he was elected Mayor although his companions on the ticket were defeated.

In 1913 the Independents for the first time in forty years combined with the Republicans to nominate a Democrat for Mayor, John Purroy Mitchel. He was elected. It is not within the scope of this book to give any account of municipal politics since 1910, so I forbear to speak of his administration. But it may truly be said of all the administrations since that of Mayor Low, that they have not relapsed into the corruption and inefficiency which marked some of the previous administrations.

A remarkable improvement has been made in the prevention of disease. The death rate during the year 1915 was reduced to 13 in the thousand, just half what it had been thirty years before. Had the death rate continued as it then was, there would have been 91,000 more deaths than there were in 1915. Leaflets are distributed in twenty-six different languages, teaching how to prevent disease. Gymnasia and physical training have been introduced into the high schools and into the public schools. The gymnasium in the City College is one of the best in the country. There are roof gardens in many of the public and high schools, and numerous recreation piers. Vocational training and training in housekeeping for girls have been introduced into the schools.

The system of interurban transit has been greatly extended. Two hundred and fifty miles of subway are now (1916) building. These, with the three new bridges across the East River, have enabled many thousands of people who lived in congested quarters to move into new districts where the streets are wide, where there are parks and

playgrounds, and where the tenements are all new and built upon improved and more sanitary methods. There have been introduced, under the charge of the City, many milk stations where pasteurized milk is sold at moderate prices. Great attention is paid in the public schools to child hygiene. There are even dental clinics, where the teeth are attended to. Private enterprise led the way in all these great improvements, and showed the City authorities what could be done, and they have taken it up on a great scale.<sup>1</sup>

The great improvement that we have made in municipal government is due, in the first place, to an awakened sense of duty and public spirit among the voters, and, next, to improved methods of administration, which have increased the power and consequent responsibility of public officials, and diminished the number of elective offices. It is impossible for voters to select wisely from among a great number of candidates for many offices. They can select from among the candidates for the principal offices and can judge if the officials whom they have chosen are faithful. The political experience of New York for fifty years, has shown the falsity of the phrase that "the cure for the evils of dem-

<sup>1</sup> I am indebted for the facts of which I have given a summary in the two previous paragraphs, to George McAneny. He was, from 1894 to 1902 a most effective Secretary of the National Civil Service Reform League and of the New York Civil Service Reform Association. In 1909 he was elected president of the Borough of Manhattan and in 1913, President of the Board of Aldermen of the City of New York. This office makes the incumbent vice-Mayor. In 1916 he resigned to become Executive Manager of the *New York Times*. He was efficient, intelligent and incorruptible in public office and his resignation was greatly regretted.

ocracy is more democracy." It might as well be said that the cure for the evils of whisky is more whisky. The quack remedies of the initiative and the recall have resulted everywhere in America in making the disease worse. They diminish the independence and responsibility of public officials and prevent the most competent men from accepting public station. The only way to cure the evils of democracy is to cure them. That you do in the old-fashioned American way of holding public officers to strict accountability, giving them power and dismissing them at the end of their terms if they fail to use this power for the public welfare.

Let me summarize the lessons to be drawn from the campaigns which I have described, in the words of E. L. Godkin in 1895:

The reform organizations which have been at work in this city owe their existence to the general perception that any reform movement in this city to be really successful must be permanent.

It is to this policy that the City Club and the Good Government Clubs (and the Citizens' Union) owe their existence. They are intended to supply that visible sign of mutual sympathy and support without which continuous unity of action is not possible. It is not enough, in a community so heterogeneous as this, to know that a great many people agree with you about public affairs. It is desirable to have a place and organization which supply visible proof of their existence, and in which information about them can be obtained and means of communication with them be furnished. But what is wanted above all else is the means of assuring the great multitude of doubters, that is of the people who despair of permanent municipal reform, that the fight is kept up; that the flag is still flying; that the impetus which led to the late electoral

triumph is not exhausted; and that wrongdoers are at last face to face with an enemy who is good for something more than a frantic rush. . . .

What we have accomplished in New York is likely to prove the harbinger of a great change for the better in all the great cities of the continent, and will end in wiping out what has been for fifty years the greatest stain on democratic government—the gross corruption of our municipalities. It will, too, I feel very confident, make plainer and stronger than ever the connection between fitness and worthy official life; the essential dishonesty of incompetency in the public service. It will furnish, too, to the next generation, a reminder of a great deal of self-sacrificing and arduous work done by the young men of this generation in the interest of public peace, purity and security.

Through their efforts the city has been delivered from an odious tyranny, and their example and success, it is to be hoped, will always serve to convince their successors that a really good cause is never, in a free country, either lost or hopeless.

## CHAPTER XV

### LAW REFORM

My interest in law reform began in 1872. As my practice increased I began to realize that one of the greatest evils in the administration of justice was the complexity of procedure, the failure to decide cases upon the merits and the consequent frequency of new trials. For example: In one case in Virginia a negro desperado was shot while resisting an arrest. He then confessed that he had been indicted for murder and had been tried three times. On each trial some error was committed which led to the granting of a new trial. While he was in prison awaiting the fourth, he escaped. In 1903 occurred the lynching of a murderer who had been found guilty by a jury and had twice been granted a new trial on technical grounds. After the third conviction the multitude, not wishing the murderer loose, took the law into their own hands.

In the State of New York the Code of Criminal Procedure provided:

After hearing the appeal the court must give judgment without regard to technical errors or defects or to exceptions which do not affect the substantial rights of the parties.

This was enacted in 1881. Unfortunately the same rule was not applied to civil cases, and appeals in civil

cases were still decided on technical grounds. The Court of Appeals of New York in 1908 pointed out the incongruity of this difference.<sup>1</sup> That court had before called attention to the defective condition of the practice. In 1904 it said<sup>2</sup>:

It frequently happens that cases appear and reappear in this court after three or four trials where the plaintiff on every trial has changed his testimony in order to meet the varying fortunes of the case upon appeal.

I felt it my duty to respond to the summons, and in several magazine articles tried to arouse the profession to the duty of reform.<sup>3</sup>

The evils growing out of these defects in our system of appellate jurisdiction led to the appointment by the American Bar Association, in August, 1907, of a Special Committee to suggest remedies and formulate proposed laws to prevent delays and unnecessary cost in litigation. Mr. F. W. Lehman, afterwards President of the Association and Solicitor General of the United States, was chairman of this committee. Roscoe Pound, who was then Professor in the University of Chicago, and is now Professor in the Harvard Law School, was one of its members. Owing to his illness, the task of drawing the first report devolved upon me. In this, presented at Seattle in 1908, we pointed out that while in admiralty and equity cases

<sup>1</sup> *People v. Strollo*, 191 N. Y. 42. The reform embodied in the Act of 1881 I proposed and advocated in an article published in the *New York World*, December 6, 1872.

<sup>2</sup> *Walters v. Syracuse Rapid Transit R. Co.*, 178 N. Y. 50.

<sup>3</sup> *Columbia Law Review*, May, 1904, April, 1907; *Michigan Law Review*, February, May, 1905.

the federal courts took up the whole record and gave final judgment upon the merits without regard to technical errors, the tendency of the same court sitting at common law and trying jury cases was to consider an adherence to strict legal rules as the right of each party and to reverse if there had been any infraction of these rules. This makes the trial of the case a game in which the man wins who plays it most skilfully.

We prepared a bill to amend Section 1011 of the Revised Statutes of the United States, by adding at the end thereof the following:

No judgment shall be set aside, or new trial granted, by any court of the United States, in any case, civil or criminal, on the ground of misdirection of the jury, or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the opinion of the court to which application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

We also provided for the renewal of the common law practice of reserving any questions of law arising in the case, for subsequent argument and decision. These bills with some amendments were approved by the Association in 1908 and have been at each subsequent meeting. The bills were introduced in the Senate by Senator Nelson, in December, 1909, and in the House by Hon. R. Wayne Parker. We had full hearings before the Judiciary Committees of both Houses. In the course of procedure at Washington the bills were consolidated into one.

Meanwhile, the report of the commissioners to revise the

United States Statutes had been referred to a committee of the House of Representatives known as the Committee on Revision of the Laws, of which Hon. Reuben O. Moon, of Pennsylvania, was Chairman. A meeting was held of the lawyers of New York who practised in the federal courts, at which amendments to the pending revision were suggested. Those recommended by the Bar Association were included. But other provisions of the revision excited so much attention and debate that it became impossible to introduce those amendments into the revision. Mr. Madison, of Kansas, had become impressed by the arguments presented by the Committee and he introduced a separate bill embodying the two sections of the Association bill. This passed the House unanimously February 6, 1911, but all efforts of the Committee were unsuccessful to get the bill reported in the Senate.

In the next Congress the Democrats had a majority. The bills were again introduced in the House by Hon. Henry D. Clayton, the Chairman of the Judiciary Committee, and in the Senate by Senator Root.

Beside the measures thus far referred to, the Committee drafted a bill by which the federal courts were authorized to transfer any suit commenced at law to the equity side of the court, and any suit commenced in equity to the law side of the court. This measure President Taft favored and in an interview which we had with him at the White House, he discussed it with us. He recommended all our bills in several messages to Congress.

Meanwhile another serious question had arisen. The

New York Court of Appeals had rendered a decision in the case of *Ives v. the South Buffalo Railway Company*<sup>1</sup> that the labor law which had been passed in New York in 1910 in relation to workmen's compensation in certain dangerous employments was void, under the Fourteenth Amendment to the federal Constitution, because it would deprive persons of property without due process of law. Decisions to the contrary had been made by the Supreme Courts of other states. These decisions produced the distressing condition that the Constitution of the United States meant one thing in Massachusetts, New Jersey and Washington, and another thing in New York. Accordingly the Committee recommended, the Bar Association approved, and a bill was introduced in Congress to give to the Supreme Court of the United States jurisdiction to review final decisions of the highest court of any State upon questions arising under the Constitution of the United States, whether the decision of the State court sustained the objection to the State law or overruled it. In the latter case, since 1790, there had been a right of review, but none had been given in the former case.

This bill finally became a law December 23, 1914. The law and equity bill became a law March 3, 1915. The reformed procedure bill passed the House in 1912 and again 1915, and is now (1916) pending in the Senate.<sup>2</sup>

The discussions in the American Bar Association,

<sup>1</sup> 201 N. Y. 271 (1911).

<sup>2</sup> The reform thus proposed was recommended in the national platforms of the Democratic and Republican parties in 1912, more specifically in the former. *World Almanac*, 1916, pp. 776-777.

the reports of the Committee, which have been widely circulated and extensively noticed in the public press, and the activity of local Bar Associations have led to the adoption in many of the States, of the reforms to which I have referred. Before we commenced our good work they were adopted in New Hampshire by the action of the Justices of the Supreme Court. Samuel C. Eastman, who was at one time Attorney-General of New Hampshire, and for several years a member of the Committee to which I have referred (and who was in the same class as myself in the Harvard Law School) took an active part in this reform in New Hampshire and in advocating it in other States. It has, in point of fact, been adopted either by courts or legislatures, in Alabama, Arizona, California, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas, Wisconsin, Wyoming and Alaska.

The difference between the powers of the federal and State appellate courts in New York prior to September 1, 1912, when the amendment to the New York Code took effect, extending the power of the Appellate Court, may be illustrated by the decision in a case of great public importance:

The State of New York made a law that the maximum price for gas in the City of New York should be eighty-five cents per thousand feet. An action was brought in the United States Circuit Court to enjoin the enforcement of this law on the ground that it was confiscatory. Judge

Lacombe decided that as a matter of fact this rate would not enable the gas company to earn a reasonable return on its invested capital. He, therefore, granted the relief asked. The Supreme Court of the United States, on appeal, reviewed this decision on the facts, reversed it, and sustained the constitutionality of the law.<sup>1</sup> This judgment affected the welfare of over five million people. Experience since the decision shows that the rate was not confiscatory. How unjust it would have been to make the decision of one man final on such a point. Yet, this is what the State practice in New York would have done, prior to the amendment before quoted, if the suit had been brought in the State court.

Another important reform which has been recommended by the Committee and the clear statement of which in the Report of 1910, and again in 1911, we owe to Professor Pound, may thus be stated in his own language:

A Practice Act should deal only with the general features of procedure and prescribe the general lines to be followed, leaving details to be fixed by Rules of Court, which the courts may change from time to time as actual experience of their application and operation dictates.

It would be hard to find a more admirable statement of the principles of practice reform than these of Professor Pound in the reports referred to. The Practice Act and the accompanying rules of practice adopted by the State of New Jersey in 1911 embody these principles.

<sup>1</sup> City of New York v. Consolidated Gas Co., 212 U. S. 19.

The work of law reform in the federal courts has been taken up by Mr. Thomas W. Shelton of Norfolk, Virginia. He has urged upon Congress the enactment of a bill giving to the Supreme Court of the United States the same power to make rules of practice in common law cases that it now has in equity cases. A bill for this purpose has been approved by the American Bar Association. Meanwhile the Supreme Court has itself revised rules of practice in equity and has embodied in these rules the reforms which were recommended by the American Bar Association, so far as the court had power to incorporate them.<sup>1</sup>

One of the wisest and most effective members of the Committee has been Professor Frank Irvine, formerly of Cornell Law School, now Public Service Commissioner in New York. At his request I delivered two lectures on Reformed Legal Procedure before that school in June, 1912.<sup>2</sup>

I find in this review of the work of the Bar Associations great room for encouragement. The statement is often made that lawyers do not favor law reform because they think it would diminish their fees. This review shows that such statements are erroneous. The Bar Association of the United States and many of the States, especially of New Hampshire, New York, New Jersey, Massachusetts, Illinois and Kansas, and the Bar Association of the City of New York, have cordially supported the bills

<sup>1</sup> They were promulgated November 4, 1912.

<sup>2</sup> These were subsequently published—*American Law Review*, January–February, 1913.

which have been referred to. We have encountered in carrying these reforms into effect much less opposition in the State Legislatures than in Congress. I attribute this largely to the fact that many questions of great national importance come before the Congress of the United States, that members are elected by one party or the other with reference to these questions and that the time and thought of Congress are so much absorbed by them that bills for law reform fail to attract suitable consideration.

In this chapter I have dealt with reforms in legal procedure which enable controversies to be decided speedily upon the merits. To deal with the development of general jurisprudence would require a separate volume. I consider procedure important because law without means of enforcement is ineffective.

A striking instance is to be found in the present war in Europe. It was not the lack of treaties between nations, or of an international court of arbitration, that brought on that war. It was the lack of sanction. No means had been provided for compelling nations to keep the agreements that they had made. The sense of this is rapidly developing among civilized nations. It has found expression in the League to Enforce Peace, which is beginning to have affiliated societies in many countries. The English Premier, Mr. Asquith, expressed himself, in April, 1916, distinctly on this subject, and there have been utterances to the same effect even in the German Reichstag.

The Bar Association of the State of New York is en-

titled to the credit of formulating a distinct proposal on this subject in January, 1915, and of repeating it in January, 1916. That body has an honorable record on the subject of international arbitration. It was one of the first organizations to propose an international court. Its memorial to the President on that subject led to the instructions given to the first delegation from the United States at the first Hague Convention. The first cause ever submitted to The Hague tribunal was submitted at the instance of the United States. The proposition of the Committee, which was adopted by the Association, was that the United States should urge, at any congress to be held at the conclusion of the present war in Europe, that the nations parties to it should agree to limit their armaments to an organization sufficient to protect order within their own borders and to furnish a contingent to the international police, and that there should be an international tribunal with power to prevent nations from violating treaties, with an international police subject to its orders, which should enforce its decrees, and with power also to prevent nations from going to war until the matters in dispute between them should be submitted to the tribunal.

Of this Committee I had the honor to be chairman. Its recommendations were adopted by the Association. My associates on the Committee were: Francis Lynde Stetson, Adelbert Moot, Charles Henry Butler and Jeremiah Keck. May we all live to see our recommendations adopted by an international congress.

## CHAPTER XVI

### PRESIDENTS I HAVE KNOWN

#### CLEVELAND, MCKINLEY, ROOSEVELT

##### I

I FIRST met Mr. Cleveland in 1884, during his term as Governor. The water supply of the City of New York was becoming insufficient. The city had been compelled to diminish the pressure on the high levels. The water did not, during the day, rise above the first story in many parts of the city, and house-owners put tanks in their upper stories (as they do in London and other foreign cities) to which the water might rise during the night. Often, too, a small engine in the cellar pumped water into this tank.

The existing aqueduct was taxed to its utmost capacity, and indeed was filled with water above the spring of the arch, which had never been intended and was unsafe. A bill was drawn providing for the appointment of commissioners under whose direction new reservoirs should be constructed in the highlands of the Hudson and a new aqueduct constructed from these to the City of New York. I was then Chairman of the Executive Committee

of the New York Civil Service Reform Association, and we urged upon the Legislature the importance of requiring that all persons to be employed in the construction of the new aqueduct should undergo suitable examinations, and that the appointments should be given to the most fit.

We did succeed in procuring the insertion in the bill of certain requirements regulating appointments. These, however, were inadequate, and we were confronted with the question whether to oppose the bill altogether on the ground of this omission or to acquiesce in the result. The commissioners who were named in the bill were competent and trustworthy and this gave some ground of assurance in regard to the appointments which they were likely to make. We concluded that the public need was such that there should be no longer delay in the construction of the aqueduct. The demand for water had become so great that the amount stored in the reservoirs was small. The suffering that would result from a break was too serious to contemplate.

Provision would have been made several years before for the construction of a new aqueduct, but for political reasons. The Commissioner of Public Works of the City of New York, Hubert O. Thompson, was one of the leaders of the County Democracy. The other Democratic faction opposed any bill which would put the patronage incidental to the new aqueduct into Mr. Thompson's hands. The Republican organization was equally opposed to putting it into the hands of any Democrat. The final result was a compromise in the selection of Commissioners. The bill required that no person should be appointed as

inspector or superintendent who should not be certified by three of the commissioners to be competent for the duties of the position, and experienced in the subject-matter of the employment.

In May, 1884, the bill passed the Legislature, and was presented to the Governor. It was bitterly opposed by some of the reformers, partly on the ground that sufficient provision was not made for appointments according to the merit system, and partly on the ground that methods could be devised by which waste would be checked and the existing supply become sufficient. Mr. Cleveland gave us a full and patient hearing. He asked many questions of the advocates of both sides and afterwards in his methodical and thorough manner considered the facts of the case, examined the arguments which were presented, and decided to sign the bill. It was none too soon. The new aqueduct was not completed till 1890, when it had a capacity of two hundred and ninety million gallons a day.

During the Presidential campaign of 1884, I met Mr. Cleveland occasionally. He bore with equanimity the bitter assaults that were made upon him and continued to discharge his duties as Governor as faithfully as if he were not a candidate. About the end of that year, he resigned his position as Governor and yielded the reins of office to the Lieutenant-Governor, David B. Hill. Never did he show the slightest indication of an endeavor to build up an organization in the State which would support him as President, but went forward in the discharge of his duties with directness and simplicity.

When next I met him in Washington, I had to present an application for a pardon. This was made under singular circumstances. A director of the Assay Office in one of the territories was about to leave his office to go East to obtain bondsmen for a second term. The bullion in the Assay Office was counted by him and by his deputy, and was left in the deputy's charge. The director went East, obtained a new bond and on his return to resume office under his new appointment a new count was made. The amount of bullion then in the office was not what it had been at the time of the last count. The deputy declared that he had not touched it and by indirection accused his chief of embezzlement. A zealous District Attorney knew Mr. Cleveland's reputation, procured an indictment, and prosecuted the director. He was convicted upon the unsupported testimony of the deputy. The Supreme Court of the District had no authority to review upon the facts. No error of law had been committed upon the trial and the only remedy of the accused was by application for a pardon.

I examined the record carefully and all the attendant circumstances, and became convinced that the defendant was innocent, and that the embezzlement had really been committed by the deputy. I was able to show that there was no indication of any increased ownership of property, that the accused director had come East and gone about with perfect freedom, had lived with his family in the manner he always had done, and returned with boldness to resume his position in the office. All these facts I presented to Mr. Cleveland.

I was told that in previous administrations the matter of pardons was referred to and controlled by the Attorney-General's office. But when I afterwards came to examine the record I found that it had received Mr. Cleveland's personal attention. Notes in his delicate hand-writing were frequent upon the pages. He doubted sometimes as to the justice of the case, but finally granted the pardon.

He had grown up at a time when there were no stenographers and typewriters and found it difficult to conform to the new methods of doing business. Perhaps no president in our time ever devoted so many hours to the business of the office or gave so much personal attention to its details.

Mr. Rives, the Assistant Secretary of State, for example, told me that there was a question of boundary between two Central American States, which had been submitted to Mr. Cleveland for arbitration. The matter was referred to the Secretary of State and came before the assistant for examination. He made a report and supposed that in accordance with previous precedents, it would simply receive the signature of the President without further examination. But Mr. Cleveland took up the whole subject *de novo* and examined it thoroughly. He came to the same conclusion that the assistant had, but gave it as much investigation as if the whole responsibility rested upon himself.

A more courageous, more single-minded President, I think we never had. He was not himself influenced by personal considerations, and found it hard to believe that other men would be. Hence, he failed in many of those

little attentions which do influence men and make the path of the President easier.

One particular instance I remember. There was a New York man, who had been a warm supporter of Mr. Cleveland. He was a member of the Reform Club and contributed liberally to our treasury. He did not want any office, but when he went to Washington he did think that the President ought to pay him a little personal attention. He rather expected a card of invitation to the White House, or something of that sort. Mr. Cleveland knew he was there, but there was no particular reason in his mind why this gentleman should be invited. He had no business with him, and the thought that it would be agreeable to a personal supporter to receive some personal attention never occurred to him. My friend came back from Washington disgruntled, and we never got a dollar from him afterwards.

In this respect, as in many others, Mr. Cleveland's marriage added not only to his happiness, but to his success as a public man. His wife had infinite tact and unusual charm. The social side of the White House under her management became most attractive. A man more happy in his family relations and a more devoted husband and father, I think I never knew. And yet the bitterness with which our Democratic President was assailed by his political enemies, led to the circulation of many falsehoods on this subject, which some foolish and credulous people believed.

One innovation that Mr. Cleveland introduced into the executive business has not been followed by his successors.

He was unwilling on the last night of a session to go up to the Capitol and sign bills there. He required that legislation should be submitted to him at the White House, and that time should be given him for its examination. On the other hand, he never spared himself any labor necessary to this end. He was at his office early in the morning, and remained until late at night. I once called upon him by appointment, in February, 1899, at about eight o'clock in the morning. He was hard at work, with a great mass of papers upon his table, and was devoting himself to their examination as carefully as a lawyer would to the examination of the papers necessary to prepare for an important trial.

After the expiration of his first term he became a member of the firm of Bangs, Stetson, Tracy & MacVeagh, whose offices were then at 45 William Street, New York City. Francis N. Bangs had been the senior partner of the firm at the time when its name was Bangs & Stetson. When he died Mr. Stetson became the senior partner, but Mr. Bangs' son, Charles W. Bangs, continued a member and Mr. Bangs' name retained its precedence. When Mr. Cleveland became a member of the firm, his name was printed at the head of the list of partners. He did his part in the counsel business of the firm, and argued at least one important cause before the Supreme Court of the United States, *Peake v. New Orleans*,<sup>1</sup> where he was opposed by Mr. Carleton Hunt, and had associated with him Mr. Richard D. Gray and Mr. Thomas J. Semmes. This case was argued on the twenty-seventh, twenty-

<sup>1</sup> 139 U. S. 342, decided March 9, 1891.

eighth and twenty-ninth days of October, 1890. When the hour of adjournment, which was then four o'clock, arrived, Mr. Cleveland had nearly completed his argument, and the Chief Justice continued the session of the court beyond the usual time in order to enable Mr. Cleveland to complete it that day. This is a compliment that, so far as tradition goes, has never been paid to anyone else. Probably he and John Quincy Adams are the only ex-Presidents who ever argued a cause before that august tribunal.

During his second administration he had to deal with many difficult situations. His treatment of the railroad strike of 1894 was characteristic. He was ably seconded by his Attorney-General, Richard Olney, who was as resolute as his chief.

The town of Pullman was a suburb of Chicago. It was planned by the head of the Pullman Palace Car Company; comfortable houses were built for the workmen, the drainage and all sanitary conveniences were as perfect as skill could make them; a great pumping engine sucked the air from the houses through the drain pipes, thus ensuring good ventilation. At one of the annual meetings of the Iroquois Club Mayor Harrison took the visitors to inspect this model town. Jane Addams, the founder of Hull House, wrote an account of Pullman's philanthropic endeavors for the welfare of his workmen and called him a modern Lear, overwhelmed with disappointment at the failure of his well-meant plans to win the hearts of his men.

After the panic of 1893, business became dull, wages

generally declined and the Pullman Company reduced the wages of its employees. They struck May 11, 1894. About 4000 of them were members of the American Railway Union which had been organized by Eugene V. Debs in 1893. It had an enrollment in June, 1894, of about 150,000 members. In that month a Convention of the Union met in Chicago. Its officers tried to effect a settlement of the Pullman strike. These efforts failed and the Convention passed a resolution that no member of the Union should handle Pullman cars and equipment. This was interpreted to mean that they should not handle any trains to which Pullman cars were attached. So perfect was the discipline of the Union that no regular trains were run for a fortnight on most of the railways centering in Chicago, nor on the Southern Pacific system, as far west as the Pacific Coast. The carriage of the mails and indeed all interstate commerce in twenty-seven States was obstructed. The strikers derailed cars, cut off and disabled engines. The local authorities were unable to maintain order.

There was a federal statute (U. S. Rev. Stat. §5298) which was in effect a reenactment of the Force Bill of 1833, which authorized the President to use the Army and Navy

to enforce the faithful execution of the laws of the United States, whenever by reason of unlawful obstructions, combinations or assemblages of persons . . . it shall become impracticable in the judgment of the President to enforce by the ordinary course of judicial proceedings the laws of the United States.

Cleveland ordered troops to Chicago. He directed that a suit be brought in the United States Circuit Court in Illinois to enjoin Debs and his associates from interfering with the transport of the mails and from obstructing interstate commerce. The injunction was granted July 2, 1894. Debs and his associates violated it and continued their obstruction. July 8th the President issued a proclamation warning them to disperse and declaring that

those who disregard this warning and persist in taking part with a riotous mob in forcibly resisting and obstructing the laws of the United States . . . cannot be regarded otherwise than as public enemies.

The troops dispersed the mob, Debs and three other officers of the Railway Union were arrested on the tenth of July upon indictments found for complicity in the obstruction of mails and interstate commerce. On the seventeenth they were arrested for contempt of court. To use Debs' own language:

As soon as the employees found that we were arrested and taken from the scene of action, they became demoralized, and that ended the strike.

December 14, 1894, the Court found Debs and his associates guilty of contempt of its order and sentenced them to imprisonment. They sued out a writ of habeas corpus from the Supreme Court. May 27, 1895, that Court confirmed the action of the Circuit Court,<sup>1</sup> and sustained the action of the President.

In short Cleveland kept his official oath to "enforce

<sup>1</sup> *In re Debs*, 158 U. S., 564.

the laws of the United States," by direct proceedings criminal, civil and military. He did not seek popularity, he simply did his duty. With him a straight line was always the shortest distance between two points.

Our greatest, yet with least pretense,  
And as the greatest only are  
In his simplicity sublime.

Let me tell here of a matter, interest in which is revived by the Armenian massacres of 1915 and 1916. In 1895 the Turks in Asia-Minor massacred great numbers of the Armenians. They did not confine their murderous assaults to Armenians, but destroyed several colleges, schoolhouses and other buildings that with the full consent of the Turkish Government and under the protection of our treaties with that Government, had been erected by the American Board of Commissioners for Foreign Missions. No American citizens were killed, but their lives were threatened, and they were exposed to great hardship and privation. When the news of this depredation reached this country the Congress passed the following resolution (January 27, 1896):

Resolved further, That the Senate of the United States, the House of Representatives concurring, will support the President in the most vigorous action he may take for the protection and security of American citizens in Turkey, and to obtain redress for injuries committed upon the persons or property of such citizens.

The American Minister in Constantinople had been instructed by Richard Olney, then Secretary of State, to

remonstrate. The Turkish Government answered these remonstrances politely but did not heed them. It became evident to the friends of the Americans in Turkey that some more vigorous measures must be adopted in order to obtain redress.

In the summer of 1896, I received a letter from Dr. Barton, one of the Commissioners of the American Board, asking me to go to the annual meeting of the Board, which was to be held at Toledo on October sixth, and deliver an address on The Duty of the United States to American Citizens in Turkey. To this I demurred, but Dr. Barton urged that the fact that I was a member of a different Christian body would give my words more emphasis, and I finally consented, and prepared my address with care. I found that the rights of our citizens in Turkey began with the treaty of 1830, and that in 1855 Attorney-General Caleb Cushing had given an opinion that the protection given by the treaty extended to our citizens engaged in "any subject or object of intercourse whatever." The missionaries had gone to Turkey with the full consent of the Government, as much as nine million dollars had been invested by them in schools, colleges and hospitals, they had not undertaken in any way to proselytize among the Mohammedans, but had confined their ministrations to the native Christians, and the real reason of the assaults upon them and their property was because they had befriended the Armenians, whom marauding Turks and Koords wished to plunder and kill.

I delivered the address October 7, 1896. I certainly spoke with heat and fire and force, and my exposition of

the duty of the American government to obtain redress for the injuries inflicted upon its citizens was received with enthusiasm. One of my Brooklyn friends was ready to raise a regiment to sail to the relief of our people there. This of course was not what we wanted, but we did wish to impress the administration with the conviction that American public sentiment would sustain very vigorous remonstrances on the part of our government. Two extracts from this speech will tell the story of the conditions in Asia-Minor as we saw them at the time.

Our citizens are wanted in Turkey. It is true the Turks do not want them, but the Turks do not constitute the whole of the people of Asia-Minor. They exercise by force of arms a government which they won by force, but which they have not had the moderation to retain by dealing justly with the subject races. The great Roman historian tells us that provinces are won by force, but are kept by just government. This the Turks have never learned. These subject races are an important part of the people of the Turkish Empire. To them the presence of American citizens, bringing education, bringing hope, bringing medicine and relief in sickness and aid in undeserved distress, is most welcome. Fellowship in suffering, the sympathy and help freely given by England and America, have brought the native Christians and their American neighbors into the closest brotherhood. It were base to desert our citizens, who, with the full consent of the Turkish Government, with rights guaranteed by sacred treaties, have gone to perform imperative obligations of humanity; it were more base to desert them and leave not only our own, but those whom they have benefited, exposed to the cruelty and oppression of the Turk.

When Lieutenant Greely went on an expedition of scientific interest to the polar regions, did we desert him and his followers? No; we spared neither men nor money; we sent

expedition after expedition. The President, the Secretary of War, the Secretary of the Navy, vied with each other in their efforts to succor our citizens in their need. Is humanity less sacred than science? Is education less important than the study of the arctic currents? Are the school and college less entitled to our care than the barometer and the theodolite? Is the discovery of the pole more imperative than the protection of Christian civilization?

But let us not stop with general statements. All general statements can best be brought to the test of particular instances. The most notable of these is that ever memorable incident in the history of our citizens in Turkey, Corinna Shattuck at Oorfa. There, in her single person, she stood for all the American Government stands for—for righteousness, for justice, for law. There she had been sent by your Board; there she had been established with the consent of the Turkish Government; there she had acquired a home and used it for the education of children and their parents, and for the relief of the suffering and distressed. When a cruel Mussulman mob sought to outrage and slay the native Christians, they found refuge with her. Her little inclosure was packed with the innocent victims of Turkish outrage and Turkish rapacity. She faced the howling mob. To every demand that she should yield and allow them to pass, she interposed the dignity and authority of her womanhood, and the sacredness of treaty rights, secured for her and all our citizens by the Government of her native land.\*

If the American Board, with all its outlay of money and time and thought, with all its memorable and precious history, had accomplished nothing but to put Corinna Shattuck at the door of her house in Oorfa, standing as she did as a protection and shield for hundreds of innocent Christians, that result of itself would more than repay all the toil and expenditure of the past. Wherever this gospel shall be spoken of throughout all the world, there also that this woman hath done shall be told as a memorial of her. Nor she alone. A noble army, whose

\* *Our Heroes in the Orient*, p. 12.

courage and heroism shed undying luster on the American name, have endured hardship as good soldiers of Jesus Christ. One of them, President Gates of Euphrates College, writes:

"For three days we have looked death in the face hourly. We have passed by the mouth of a bottomless pit, and flames came out against us, but no one in our company flinched or faltered. We simply trusted in the Lord and went on. . . . If we abandon the Christians they are lost."<sup>1</sup>

Citizens of the United States, if you abandon Corinna Shattuck and Gates and all our heroes in the Orient, you are lost;—lost to honor, lost to duty, despised of man and criminals before God. May He, in infinite mercy, preserve us from such shame!

The American Board urged more vigorous measures upon the administration. My speech was printed, and circulated extensively and a committee was appointed to go to Washington and present the subject to Mr. Cleveland. He received us in the executive chamber at the White House. The convenient offices at the west end of the building had not then been built, and the room in which we were received was the same as that which Mr. Lincoln had used as an executive office during the war, and which had been used by American Presidents ever since.

My old classmate, Richard Olney, the Secretary of State, was with the President, and I remember well his saying, when we were presented and shook hands, "What, Wheeler, you here?" We stated our case and the remonstrances of our Government were made more vigorous than ever, but Cleveland's term was drawing to a close and nothing was accomplished until the next administration.

<sup>1</sup> *Our Heroes in the Orient*, pp., 6, 7.

After Cleveland's final retirement from the Presidency, he did not resume the practice of law, but went to live at Princeton. He was requested to lecture to the students, which he did with great success, and became popular among them. On one occasion I urged upon him the desirability of his writing a history of his two administrations. He replied that his personal books and papers had been sent to him from Washington, and that he had ample material for this purpose. "But," he added, "if I were to do that, and to tell the truth, I should make a good many people very angry." He did write two magazine articles giving reminiscences of his two administrations. These, with two Princeton lectures, were revised and published in book form.<sup>1</sup>

He continued his interest in the matters that had occupied his attention as President. One very important subject was that of forestry, and of the protection of the United States forest reserves. A letter which he wrote me May 13, 1897, is of interest in this connection:

WESTLAND, PRINCETON, N. J.  
May 13, 1897.

MY DEAR MR. WHEELER:

Mr. Sargent and Mr. Pinchot of the Academy of Sciences with other experts, were appointed a Commission to examine the Forestry Question and spent a number of months in a careful and personal investigation on the ground.

They made a most interesting and to my mind a most persuasive report on the subject. I gave this report a careful scrutiny and had full consultations with the Commissioners which resulted in my clear conviction that they had arrived

<sup>1</sup> *Presidential Problems*, The Century Co., 1904.

at proper conclusions, imposing the duty upon me of their adoption by Executive proclamation. The 22nd day of February, 1897, was fixed upon as the day when the proclamations were to be promulgated. This was on Monday and on Tuesday the 23rd. of February a statement was given to the press by the Secretary of the Interior, comprising, as I remember it, quite a full synopsis of the report, etc.

So far as I have read the newspapers I have been much surprised by the absence of defense of the movement since the attack upon it has commenced.

The ruthless destroyers of our forests and the robbers of our timber even in the face of most devastating floods, seem to have the field far too much to themselves.

If the reservations are to be set aside on their behest the people should at least understand their motives and the firm foundations in reason and public interest upon which the reservations rest.

Yours very truly,  
GROVER CLEVELAND.

Let me close this sketch with a notable incident. When Mr. Root was President of the Bar Association of the City of New York, on the evening of June 15, 1905, that Association gave a reception to Mr. Choate, who had been President of the Association and was then returned from his long and faithful service as Ambassador at the Court of St. James. The spacious halls of the Association were crowded with lawyers and other distinguished citizens. When the affair was at its height, Mr. Cleveland came up the staircase to the second floor. Immediately, by a spontaneous impulse, a lane was opened through the multitude, and men stood on either side applauding as he

walked up to pay his respects to Mr. Choate. A similar mark of respect was paid to Daniel Webster at a reception in Boston, given to the Justices of the Supreme Judicial Court of Massachusetts.

## II

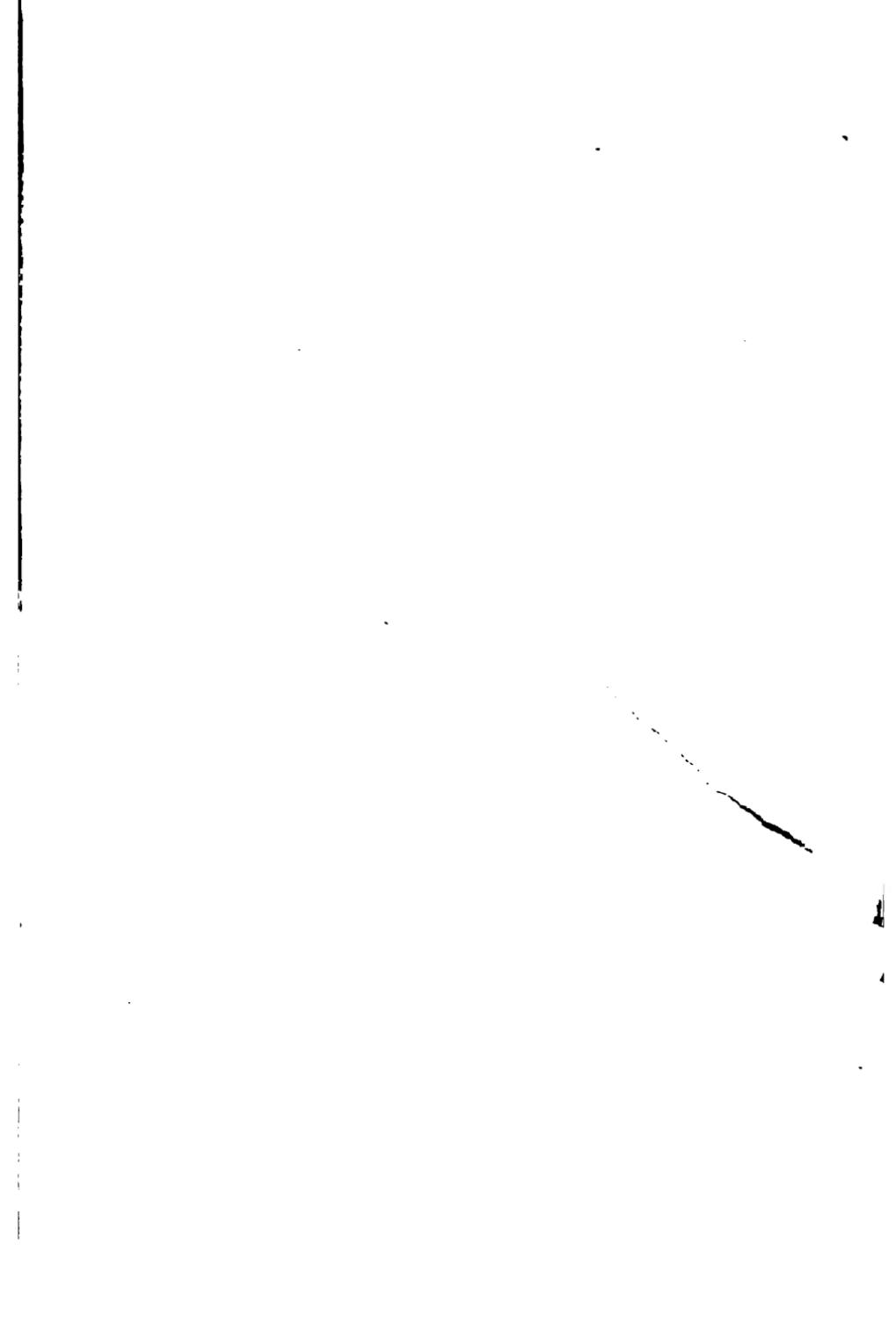
Mr. McKinley developed more steadily than any public man I ever knew. He began life as a lawyer in a small country place in Ohio. He served with honor during the Civil War. When that war was over he went into the House of Representatives. During his service there he was a strong Republican partisan and an ardent protectionist. To judge from his speeches the whole glory and prosperity of the United States had sprung from a high protective tariff. He had little sympathy with President Arthur and his Secretary of the Treasury, Mr. Folger, in their recommendation to Congress to put raw material on the free list, to reduce the duties on the finished product and thus to ameliorate the burdens upon American industry, imposed by the tariff as it then existed.

Harrison became President March 4, 1889. The Republicans had a majority in both Houses of Congress. McKinley became Chairman of the Ways and Means Committee of the House of Representatives and fathered what came to be known as the McKinley Bill. The distinctive feature of this was that it put sugar on the free list, and offered a bounty by way of compensation to the sugar growers of the United States.

The immediate effect of the McKinley Bill was to



**JOSEPH H. CHOATE**  
(From an Engraving by E. A. Williams & Bro.)



raise the price of every one of the necessities of life, with the single exception of sugar. McKinley perceived this effect. He began to study, not only the manufacturing, but the commercial interests of the country. He perceived that our manufacturing industries had developed far beyond what the most sanguine had expected; that even from the standpoint of a protectionist, they did not need high duties and that it was for the interest of the country to develop its commerce and to diminish the bounty given to manufacturers by the tariff. In the course of the campaign of 1896 in which he defeated Bryan, he also learned that a uniform basis for the currency of the United States was a matter of vital consequence to the country. Prior to that year he had been, to use the vernacular, on the fence, on the subject of free silver. But in 1896 there was no hesitation. He defended the gold standard manfully and when he became President in 1897, not only was he loyal to the pledges of the platform on this subject but he espoused the cause of reciprocity which Mr. Blaine had advocated before him. He proposed treaties with other nations by which in exchange for a reduction of the tariff levied by them on American products, we would make a reduction of the duties levied upon their products by our tariff laws.

Immediately upon his inauguration he summoned an extra session of Congress which met on the fifteenth of March, 1897. He urged the repeal of the Wilson Bill and the adoption of a protective tariff, but he also urged upon Congress the insertion in this tariff of reciprocity provisions. The Dingley Bill, as it was called, became a law

on the seventh of July, 1897, and was the beginning of a more liberal policy in this respect. Unlike the McKinley Bill this Act imposed a duty on sugar with a differential in favor of refined sugar. It imposed a duty on raw wool and on woolen goods. Wool growers had been taught to believe that their losses during the Cleveland administration were due to the passage of the Wilson Bill. It was a good instance of the cynical saying—"A lie well stuck to is as good as the truth." Certainly in this case the lie had been convincing.

In the course of fifteen years, however, the country has learned better. In 1913, the Underwood Tariff gave us a more liberal wool schedule.

McKinley's administration will always be famous for the Spanish War and for the Colonial Policy which followed. The cruelty of the Spanish administration in Cuba had become too great to be tolerated by a neighboring nation. Cleveland, in 1896, had called attention to this and to the injustice which was done to American investors in Cuba and to American trade with that island, by reason of its wretched condition.

McKinley and the Ambassador, whom he sent to Madrid, Gen. Stewart L. Woodford, endeavored to procure from the Spanish Government such reforms in the administration of Cuba as would satisfy the American people. But the disease had become inveterate. The corruption of the administration of the government of that island was great. I learned from men in business there that when General Weyler was relieved from his command and left the island, he took with him great sums of

money, which he had retained out of the remittances which had been sent him from the Spanish Government for the pay of the troops and the expenses of the administration.

Some New York shipping merchants had this experience. Spanish vessels of war put into New York Harbor before the war and bought stores. The bill for these was sent in due course for the fair value of the supplies. The officer in charge told the merchants that he would not pay the bill unless the nominal amount of it was increased and put in such form that he could present the bill for the whole amount as a voucher, while paying to the New York merchant only the original charge. When naval officers stoop to such rascality, it is obvious that civilians will be no better.

General Weyler, who was the Governor-General, undertook to lay waste the hill district of the island and to drive the women and children into narrow quarters, which were practically a wretched camp. These were called *reconcentrados*.

Senator Redfield Proctor of Vermont, who was a cool, clearheaded business man, not given to exaggeration of statement, made up his mind that he would go to Cuba and see for himself the condition of the *reconcentrados*. He went, he saw, came back to Washington and told in the Senate in plain language the story of what he had seen. This speech of Senator Proctor's had much to do with the outbreak of popular sentiment throughout the United States, which led Congress to declare war. McKinley would gladly have averted war, but Congress was too

strong for him. War was declared and ended with the independence of Cuba.

I saw McKinley during his first term in support of the claim of the American Missionaries to Turkey for compensation for their property which had been destroyed during the massacres. He had sent as Ambassador to Constantinople that public-spirited man and able negotiator, Oscar S. Straus. He was a Democrat. His brother Isidor had been one of the leading members of the House during Mr. Cleveland's administration. McKinley came to the conclusion that Straus could do more to settle the claims against the Turkish Government than any other man who was available. The Committee appointed by the American Board urged upon McKinley the justice of the claims which were limited to the actual loss caused by the destruction of property and asked no remuneration for personal injuries. In this respect the missionary claims compared favorably with most claims presented to the State Department. McKinley instructed the Ambassador at Constantinople to press the claims vigorously. In 1898 the Sultan directed indemnity to be arranged, but it was not paid until 1901, when Mr. Hay, who was then Secretary of State, finally insisted upon and obtained payment.<sup>1</sup> Though Mr. Straus was a Hebrew, yet he showed more consideration for the benevolent and philanthropic work of the missionaries, was better liked by them, and accomplished more to protect their schools than any man whom we had sent to Constantinople.

<sup>1</sup> Sears' *Life of John Hay*, p. 99.

McKinley's experience during his first term deepened his conviction that this country should encourage foreign trade and that the existing tariff was unnecessarily burdensome to this trade. In a speech which he made at Buffalo the day before his death he thus expressed his convictions:

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.

What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.

He was assassinated on the sixth of September, 1901, at a public reception at the Pan-American Exposition at Buffalo. How it happened that the secret service men who had been detailed to guard him, failed to observe the young anarchist Czolgoz, who came up with a pistol in his pocket and shot the President, is hard to say. Probably like many other men, they had come to consider the discharge of their duty as mere routine. Unfortunately, as the French proverb has it,—“It is always the

unexpected that happens." McKinley passed away and Theodore Roosevelt, whom Platt had sought to shelve by taking him from the office of Governor of New York and nominating him for the Vice-Presidency, became President in his stead.

This was the third assassination of a President in my time. The first was by a Confederate who could not forgive the defeat of the Confederacy; the second was by a disappointed office seeker; the third by an anarchist who had no special grudge against the President, but wished to do his part to break down the Government and destroy society. Booth was shot, Guiteau was hung and Czolgoz was electrocuted. Thus the country was freed from three "undesirable citizens" who were really more dangerous than wild beasts. But the Presidents they slew could not be replaced. Nevertheless the country lived and went on in its career. It is greater than any individual.

McKinley had one characteristic in which he excelled any public man of my time. That was tact. He was vigorous and energetic in the advocacy of his own side, but he knew how to do this without making enemies. It was said that he could refuse an application and leave the applicant more pleased than other men would, who granted the favor asked.

Oft she rejects, but never once offends.<sup>1</sup>

Elihu Root, in his speech at the Republican Convention of 1904, described him admirably:

<sup>1</sup> Pope, *Rape of the Lock*.





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THE HON. THEODORE ROOSEVELT

How wise and skilful he was. How modest and self-effacing. How deep his insight into the human heart. How swift the intuitions of his sympathy. How compelling the charm of his gracious presence. He was so unselfish, so genuine a lover of his kind. And he was the kindest and tenderest friend that ever grasped another's hand. Alas! that his virtues did plead in vain against his cruel fate!

### III

I first met Mr. Roosevelt when he was a member of the Legislature of the State of New York in 1883. He, Walter Howe, also of New York and Hamilton Fish of Putnam County, were then members of the Assembly of the State of New York.

They had together taken a house in Elk Street and our New York reformers often spoke of them as a gratifying indication that young men of education and independent means were taking an active part in public life.

Edward M. Shepard and I had drawn a bill applying to the civil service of the State of New York the principles of civil service reform which were embodied in the Federal Act. I saw Roosevelt in reference to the bill and he supported it effectively. Grover Cleveland used all his influence in its favor and it passed. In the Assembly the vote was almost unanimous.

The system worked well and in 1884 we introduced amendments extending its scope. Mr. Roosevelt supported the amended bill effectively. He opposed an amendment providing for the submission to a vote of the people of the question of applying the civil service re-

form act in municipalities. The paragraph in the *Argus* reads thus:

Mr. Roosevelt opposed the amendment which he said, "He who runs can read." Its object was to embarrass the operation of the measure. The object of the civil service law was to take the matter of distributing offices out of politics and to improve the character of the civil service. The operation of the Pendleton Bill in National affairs and of the bill passed last year in State affairs had been salutary. The bill struck at the root of one of the greatest evils in this country.

On this amendment Roosevelt carried his point, but when the bill came up for a final vote it did not receive the necessary constitutional vote of 65. He then moved a reconsideration, and gave notice, under the rules, that such motion would be brought before the House. He moved a call of the House so as to ensure the attendance of members, and finally carried the bill by a vote of 79 to 32.

In the Senate the bill was amended to exempt the fire department from the operation of the civil service system and to exempt from all examination for entrance to the civil service, applicants who were honorably discharged soldiers of the Civil War.

Roosevelt opposed these amendments in the Assembly and the matter came up in conference committee. The Senate amendments were stricken out and the bill was finally passed.

There is no member of the Assembly to whom this great reform was more indebted than it was to Theodore

Roosevelt. He had then some of the same characteristics with which the country has since become familiar: boundless energy, quick, nervous manner, unlimited capacity for work and untiring perseverance.

After he left the Assembly, he became one of the Republican Police Commissioners in the City of New York. The board was then bi-partisan—two Democrats and two Republicans were required to be members. Roosevelt was a strong party man, insisting that more good could be accomplished by reform within the party, than by any attempt to go into opposition. It was this that led him, reluctantly, to support Mr. Blaine in the campaign of 1884. It had been thought by many of his friends that he would follow George William Curtis and Carl Schurz in their bolt from the nomination. But Roosevelt went out to his Western ranch and came back convinced that duty required him to support Mr. Blaine, which he did.

As Police Commissioner he was a member of what Mayor Strong called his "Cabinet." He was full of enthusiasm for the cause of civil service reform, and administered his department, as far as it lay in his power, in entire accordance with its principles.

In March, 1889, Harrison became President and appointed Roosevelt a Civil Service Commissioner. He urged upon the President the importance of extending the classified service. The President was too much absorbed by the tariff fight to do much in that direction.

My next meeting with Roosevelt was when he was Assistant Secretary of the Navy, in McKinley's first

administration. The Cuban War came upon the country suddenly. We found ourselves obliged immediately to purchase or charter transports and cruisers for the use of the Navy Department. I was counsel at the time for the Hamburg-American Line and for the Atlas Line. The opinion prevailed that the Navy Department was not exercising sufficient care in its selection and that favoritism was shown in choosing ships. I wrote him on the subject and received this characteristic letter in reply:

NAVY DEPARTMENT,  
Washington, May 2, 1898.

MY DEAR MR. WHEELER:

I cannot help thinking that the impression you speak of comes partly from the fact that the great multitude of shipbrokers have been unable to do any business with the Inspection Board; and partly from their ingrained belief in underhanded work, and partly to account for their failing, they talk about corruption. Several such rumors have come to me, and in each case, on investigation, they resolved themselves into the disappointment of some broker in failing to get us to purchase some ship we did not want.

Doubtless one or two ships among the fifty the Navy Department have purchased are not what they should be, and doubtless one or two that should have been purchased have been rejected; but our Board is one of singular honesty, efficiency and knowledge of the subject, and I personally know about the important vessels they have purchased. These important vessels are the best of their kind that are to be obtained. There are no big steamers left which are anything like as fit for auxiliary cruisers as those we have purchased, and the same is true of the tugs and yachts.

I am very much obliged for your kindness in writing to me.

Very truly yours,

THEODORE ROOSEVELT.

My observation satisfied me that his presence in the Navy Department and the efficiency with which he managed all the affairs which came within the scope of his office service, was of great public importance. When the rumor came that he was to become Colonel of a regiment of rough-rider cavalry, largely to be raised among his friends on the Western ranches, I urged upon him the great usefulness of his service at Washington. His appreciation of this compliment did not prevent his carrying out his plan. The story of his service in Cuba, of his subsequent election as Governor of the State of New York and as President, need not here be told. The country is familiar with it.

One important service that he rendered the country should, however, be recalled. May 12, 1902, 147,000 miners in the anthracite coal region, composing the United Mine Workers' Association, went on strike. The strike lasted five months. It was accompanied by murder and other deeds of violence, and caused great suffering, especially to the poor, through the eastern states and on the Atlantic seaboard. On October 1, the President sent telegrams to the Presidents of the coal companies and to John Mitchell, the President of the United Mine Workers' Association, to meet him on the third "in regard to the failure of the coal supply, which has become a matter of vital concern to the whole nation." With all the energy of his vigorous nature, he urged upon both parties the necessity of a settlement. On October 6th, he promised to appoint an impartial commission to investigate the subject if the men would return to work

at once. He said that this commission "was to investigate thoroughly into all matters at issue between the operators and miners and (he) will do all in his power to obtain a settlement of these questions in accordance with the report of the commission."

On October 13th, J. Pierpont Morgan, on behalf of the coal companies, offered to submit the whole controversy to a commission of five to be appointed by the President. This commission was to be composed of an engineer officer, a mining engineer, a judge of one of the federal courts, a sociologist and a man acquainted with the business of mining and transporting coal. The offer was accepted by the men on October 21st and they went to work at once. The President made five admirable appointments and added to them Bishop Spalding and the Labor Commissioner, Carroll D. Wright. These appointments met with universal satisfaction. It was agreed in the submission to them that "all questions at issue between the respective companies and their own employees, whether they belong to the union or not," should be decided by the commission. It convened October 25th, Judge George Gray was selected as Chairman. They inspected the mines and the business of transporting coal, and the hearing began November 14th. Its award decided all questions in difference and provided a satisfactory method for the adjustment of grievances which might from time to time arise. For this purpose a Conciliation Board was established, composed of three representatives of the employees and three of the employers, with provision for an umpire when necessary. One of its important pro-

visions was for a sliding scale of wages, to vary with the market price of coal. The award was to continue in force until March 31, 1906. In that year, after much debate, it was continued in force for three years more.

When the strife was over, Judge Gray said that the crisis the President had faced "was more grave and threatening than any since the Civil War, threatening not only the comfort and health, but the safety and good order of the nation." The London *Times* said: "In the most quiet and unobtrusive manner, President Roosevelt has done a very big thing and an entirely new thing." His success shows the power of moral energy and dauntless courage.

The one thing that disappointed me in Mr. Roosevelt's career as Governor was his apparent indisposition to secure the best possible men for appointments to judicial office. It so happened that during his administrations, as Governor and as President, there were several vacancies in the Courts which he had to fill. It is seldom that the best men at the Bar seek judicial appointment, but there were many leading members of the Bar entirely fitted for judicial office, who would have accepted such appointment if tendered. I represented this to Mr. Roosevelt, but I found him unwilling to give sufficient attention to the selection. Undoubtedly he was conscientious in the matter, but he never seemed to me to appreciate the importance of the judicial office and the true position of judges in the American system.

My most interesting experience with him, when he was President, arose out of the American educational

interests in Turkey. There had been for years an American college for girls at Scutari, on the Asiatic side of the Bosphorus. The President of this during Mr. Roosevelt's administration, was, and still is, Mary Mills Patrick. The college building was burned. After consultation with the people in the Turkish Empire who were interested in the college, and also with the friends and supporters of the college in the United States, it was decided that it would be better to rebuild on the western side of the Bosphorus. Accordingly land was bought in Constantinople. Under the Turkish law, which is apparently similar to the Torrens system which prevails in Australia and some states of the Union, it is the practice to file in the Government registry the deed of real estate which a buyer receives, and the deed to his grantor, and to receive in exchange a new deed from the Government. It is similar to the proceedings upon the transfer of shares of stock.

After the college had taken possession of the newly purchased land and presented its deed for registration to the Government, a new deed was refused and it was stated to the college authorities that the Sultan wished the land which they had bought, as a residence for one of his daughters, and that he could not consent to the college being built there. Under the treaty with Turkey, American citizens had an absolute right to buy land within the Turkish Empire and to occupy and use the same for any lawful purpose. Accordingly the matter was brought to the attention of Mr. Leishman, who was our Minister to the Turkish Court. His efforts were unavailing and the

matter was then brought before the Secretary of State. At this stage of the case the American friends of the college assembled, appointed a committee, of which I was made a member, and we went to Washington. We were received, April 23, 1908 in the President's Executive Office by the President, and Robert Bacon, the Assistant Secretary of State, who afterwards became for a brief period Secretary of State and then was appointed Ambassador to the French Republic. We stated our case and Mr. Roosevelt said:

I wish you distinctly to understand that I will never make any threats which I am not prepared to carry out. I do not think that the public opinion of the United States would support me in sending a fleet to Constantinople to compel the Sultan to grant your request and give your college the deed you ask, and I certainly shall not threaten any such action.

To this we replied that we had no desire that any such threat should be made, that we were satisfied that if the administration would insist firmly upon the rights of American citizens under the treaty, the Turkish Government would yield.

The President then said: "Why do you not comply with the request of the Sultan and allow him to have this land for a palace for his daughter?"

I was made the spokesman to answer this question and replied:

Mr. President, we are perfectly willing to sell that land to the Sultan when we get our deed. We do not think he really wants it. We are persuaded that the objection is only because

he opposes all education of women in Turkey. At present we are neither afoot nor on horseback. We are in the position of a stockholder who has bought stock but it is not registered in his name and he cannot draw dividends and cannot vote. Once we get our deed we will with pleasure negotiate with the Sultan and sell him the land if he wants it at a reasonable price.

Mr. Roosevelt answered:

I wish you to understand that Mr. Leishman advises that you comply with the Sultan's request now, and that if you go any further you must take the responsibility of it.

We conferred among ourselves and then answered: "We are willing to take the responsibility." Roosevelt's face lighted up. He jumped from his seat, clapped his hands and cried, "Let her go, Bacon." The cablegram accordingly went. The rights of our citizens were insisted upon. William W. Peet, the efficient treasurer of the American Board seconded the representations. The Turkish Government yielded and gave to him, in August, 1908, the deed which he asked. There was nothing afterwards ever heard of the Sultan's wanting that parcel of land, and the college buildings were erected upon it.

The last time I saw Roosevelt at the White House was in 1908. He had been busy with his Secretary in the private room in the west wing of the White House and came out into the reception-room which by that time had thirty or forty people in it, waiting for an interview. He passed from one to another with ease, taking up the matter which each had in hand, disposed of it courteously and quickly, and passed on to the next. In the space of

perhaps twenty minutes he had given a pleasant interview to thirty visitors. Then Mr. McIlhenny, of Louisiana, one of the Civil Service Commissioners, appeared. Mr. Roosevelt had sent for me to have a conversation with him in regard to the amendment of the classification which the National Civil Service League had been urging, to include within the classified service, postmasters of the fourth class. The Commissioner said to me that social conditions were such in the South that it was impossible to have a satisfactory service if colored men were to be postmasters; that whatever one might think of the feeling on this subject, it was an actual fact, which had to be reckoned with, and that therefore it would be inexpedient to bring Southern postmasters into the classified service. He said that there were many bright colored men in the South who had been educated at Tuskegee, Hampton or other institutions, who were perfectly competent for the position of postmaster and could pass the examinations, but that owing to the state of feeling in the South, they could not do the business to the satisfaction of the neighborhood. I answered him that I did not sympathize with this prejudice, but that I recognized that it existed, both North and South and that it seemed to me it was a good reason for not including the Southern postmasters in the classified service.

Just then the President came up and in his nonchalant manner said, "I hope I don't intrude," and took up the conversation just where it was. He authorized me to say to the Civil Service League that he had decided to include fourth-class postmasters in the Northern States

in the classified service. This was shortly afterwards done.

Mr. Roosevelt did a great deal while he was President to extend the scope and efficiency of the system. The only point in which the council of the Civil Service League criticized his action was in reference to certain exceptions in individual cases which he had made to the rules. It is easy to see that making such exceptions is liable to abuse. Yet I know from my own experience as Civil Service Commissioner, that in possibly one case in a thousand the making such an exception does promote the efficiency of the service and does justice to a deserving applicant.

## CHAPTER XVII

### CHANGES IN SIXTY YEARS

THE United States in 1850 was in a condition so different from the present that it is hard to realize that the change should have taken place in one lifetime. There were then 31 States in the Union. There are now 48. Our population in 1850 was 23,191,876. In 1910 it was 91,972,266, exclusive of that in the Pacific possessions. It was in 1915 estimated by the Census Bureau at 101,151,000. At that time our territory was compact. We have now Alaska, Porto Rico, the Hawaiian Islands and the Philippines. We have constructed the canal across the Isthmus of Panama and acquired the Canal Zone. We had then only a few miles of electric telegraph, no transatlantic cables, few steamship lines, few railroads, and the telephone and wireless telegraph were not thought of.

The most remarkable political change is in the relation of the Federal Government to the people of the whole country. The different States were then tenacious of their State rights. Domestic slavery was permitted by the laws of fifteen of them. The functions of the Federal Government were limited. The national bank which had been established at the foundation of the

Government and again in 1816, was no more. There were no national banks of any sort. The circulating medium was composed in the main of notes issued by State banks, which circulated in different parts of the country with varying degrees of credit and subject to smaller or larger discounts. Even the silver currency, in fact, was mainly Spanish and not American.

Let me now specify some of the important changes in social and material conditions, and in religious life.

#### I. HOUSES

The houses in which people live are far more comfortable than they were in 1840. There were then few houses in which there was running water. There were no water-closets and no stationary bathtubs. Houses were lighted by candles and by lamps supplied with sperm oil. The sewerage of New York and of most American cities was mainly surface drainage, like that which was continued in Baltimore until 1912. The gutters were kennels, as Shakespeare called them. Now we have an ample supply of water on every floor. It is the inferior tenement houses that have no bathtubs. All of them have water-closets. We have kerosene oil for lamps. This product of American skill goes all over the world, and is as much in demand in China as it is in Arizona. Indeed the thrifty Chinese not only use the oil, but use the tin cans in which it is shipped, for carrying water and other liquids.

The invention of the elevator has simplified the problem of life not only in houses, but in office buildings. When I

began the practice of the law in 1859 these had not been introduced, and lawyers, clients and witnesses often had to walk up three or more flights of stairs before the city office was reached. It was easier in the country.

The improvements in the manufacture of steel invented by Bessemer, and developed by his successors, have reduced the cost of steel and made possible the construction of buildings with steel frame work. The building at 45 Broadway was the last large office building in New York City in which the walls supported the structure. That was built about 1880. Now in large buildings the wall is merely a curtain. The building itself would stand as well without any walls. All this has made possible the concentration of business to a degree that before was impracticable. It gives New York the picturesque aspect which it presents from the Harbor. Fifty years ago the highest point that man had attained in his construction on Manhattan Island, and the most conspicuous object as the City was approached, was the spire of Trinity Church. This is now masked by lofty buildings. One disadvantage of this method of construction is that many of the narrow streets in lower New York have been converted into cañons; the lower stories are darkened and the streets themselves at the busy times of day uncomfortably crowded.

Heating by steam and hot water has been introduced with consequent economy of fuel and increased cleanliness. In all conditions of society the importance of cleanliness is realized now as it was not seventy years ago.

**2. PARKS AND PAVEMENTS**

The site of Central Park in New York City in 1850 was an irregular surface of rock, meadow and pond, with some shanties and market gardens, but on the whole ragged and poorly cultivated. It was planned in 1851, was laid out by Frederick Law Olmsted and Calvert Vaux, and gradually, as it was completed, was thrown open to the public. It is now a beautiful and varied landscape. This example has been followed in every great city in the United States and Canada. These Parks and playgrounds are a benediction to countless millions. There was nothing like them in America seventy years ago.

In 1850 the best paving in any street in New York was the cobble stone. The Belgian block pavement was introduced by Russ and Reid about 1857. It was known as the Russ pavement. This is now largely replaced by asphalt. In those days our method of public transit was the horse omnibus, which gradually was displaced by the horse car. We did, however, in winter have stage sleighs drawn by four or six horses, which ran along Broadway when there was snow. This particular bit of fun we have no longer.

**3. ELECTRICITY**

( In the City College in 1855 Professor Doremus showed us the Jablochoff candle, the light of which was furnished by a powerful electric battery at great expense. What produced the electric current in that case was the combustion of the zinc plates of the batteries. Doremus

said that it was an ingenious and brilliant philosophical experiment and that probably improvements might be made which would enable cities to be lighted by electricity, but that none of us could expect to see this. Now we find the dynamo in every city of importance and in many villages. Indeed in many of these there is no gas, and electric light is the only light which is furnished by the municipality. Gas, kerosene oil and electricity are all used for heating and power as well as for lighting. One hundred years ago there was no royal palace which had the comforts that are now provided for the plain people in the improved tenement houses of New York and other great cities.

In connection with the enormous improvements in the application of electric power, the machinery by which water power is used for the generation of electricity should not be forgotten. In 1850 water was used as it had been for thousands of years, to turn wheels. Now in the turbine it is used effectively to generate electricity and thus power can be transmitted at a high tension for long distances and then by means of a transformer is brought down to a tension which is available for use, even in private houses.

#### 4. RAILWAYS AND RAPID TRANSIT

In 1850 there were no through railway routes. In going from New York to Washington, the traveler was obliged either to cross a ferry over the Delaware River at Camden, or, if he went by the United Railways of New Jersey, to ride in a horse car through

Philadelphia to the Station of the Philadelphia, Wilmington and Baltimore Railroad. He was drawn through Baltimore by horses. There were no sleeping cars. An invention came in 1857 which promised to have a great run until the sleeping car superseded it. This was a portable head rest which a traveler could carry in his bag and screw on the back of the seat and thus support his head during the long hours of the night. The Civil War compelled improvement in railway transportation and sleeping cars were invented, far less comfortable, however, than those which we now have. It must be said that since the Pullman Company has acquired a virtual monopoly of the sleeping car business in this country, there have been few improvements. This company has practically compelled submission from railroads which at one time had their own sleeping car service, by procuring the refusal from other railroads to handle the sleepers of those particular roads, and so debarring them from running through to points beyond their own line.

The reader may think that the invention of the automobile has not been an unmixed improvement. Certain it is that even twenty years ago there were none of these vehicles which now enable a private individual to outdo the old private coaches of the English nobility and gentry. "The tread of the Tantivy trot," was exhilarating and the speed was good, but for a journey, twelve miles an hour was certainly the limit. It seems impossible to limit the speed of the automobile, or the audacity of chauffeurs.

The flying machines which are now used in civilized

countries are a great advance upon the hot-air balloon of Montgolfier, 1783. I once tried going up in a balloon in Paris, and found the sensation very agreeable. The motion was so steady that we appeared motionless, and it seemed as if the earth were sinking away. The view at the altitude of 1000 metres was certainly delightful. I have never tried a flying machine and never expect to, but one gazes upon these great mechanical birds with interest and astonishment.

##### 5. STEAMSHIPS

When first I crossed the Atlantic, in June, 1865, I sailed on the steamship *China*, the first screw steamer that the Cunarders had brought out.<sup>1</sup> She left Boston on Wednesday morning, was detained six hours at Halifax, and reached Liverpool on the evening of the second Friday. This was the quickest passage that up to that time had been made from Boston to Liverpool.

One vessel had been built which was so much ahead of her time that she proved a commercial failure. This was the *Great Eastern*, which sailed into New York Harbor in 1859. She was designed by J. Scott Russell on the principle of construction Brunel had adopted in the tubular bridge over the Menai Strait and was one of the strongest vessels ever built. She was 680 feet long,

<sup>1</sup> She was 326 feet long, 40 feet 5½ inches beam, 2539 tons, 2250 horse-power, average speed 13.9 knots.

The *Africa* on which I returned in 1865 was a paddle steamer, brought out in 1850—266 feet long, 40 feet beam, 2226 tons, 2400 horse-power, average speed twelve and a half knots, shorter than the submarine *Deutschland* which has in June, 1916, brought a cargo from Bremen to Baltimore.

83 feet beam, and 58 feet deep, 24,000 tons register. She had both paddle wheels and a screw propeller, beside seven masts on which sail was carried. The paddle engines were of the oscillating type. I made a trip in her to Cape May in 1859. As I stood in the engine room and looked up through the open hatch fifty feet above my head, the stars seemed brighter and more remote than ever. The four great cylinders, hung on trunnions, swung back and forth in their regular path with steadiness and majesty.

She carried 10,000 passengers on that trip. Most of us slept on mattresses and provided our own blankets. That was the agreement, but there were many grumblers when we arrived at Cape May. To me the trip was ideal.

But she was too large for the trade that then existed between Europe and America; too deep for the old ship channel out of New York Harbor. The only profitable business she ever did was in laying successive Atlantic submarine cables in 1865 and subsequently. But her owners raised their price—the Transatlantic Telegraph Company threw up the Charter and built a cable ship of their own, the *Faraday*—the *Great Eastern* went out of commission, and was finally broken up.

A great improvement in ocean steamer comfort was made in the boats of the White Star Line which came out in 1871. These had a nominal horse-power of 2600, and a tonnage of 2376. They had the dining-room amidships, and provided bathrooms and napkins. At the most they could not carry over 1000 persons, including the crew. Then came the *Britannic* and the *Germanic* in 1875.

These made the passage from New York to Queenstown in an average of about seven days and a half. They were 455 feet long, 45 feet beam with a tonnage of 8500.

In 1889 the *Majestic* and *Teutonic* were brought out; 582 feet long, twin screw, and a gross tonnage of nearly 10,000. They had accommodation for 300 saloon passengers, 150 second cabin and 750 steerage. The convenience of the cabins had steadily improved. In 1865 the only light was furnished by oil lamps, which were extinguished every night at nine o'clock. The *Majestic* and *Teutonic* were lighted by electric light. These ships were subdivided by water-tight bulk-heads and were so arranged that twelve guns could be mounted on each ship.

With the advent of twin screws the sails and spars of the older ships were discarded. It was felt that it was practically impossible that both engines should break down. So the modern steamers have only pole masts which serve as derricks for handling freight.

About this time bilge keels were introduced, parallel with the main keel. These checked rolling which was the most disagreeable feature of the earlier ships. A friend of mine who was on the *Great Eastern* in the storm in which she broke her rudder gear, told me that she rolled at times with such violence as to strike the high waves with her paddle box.

The other ocean steamship lines kept pace with the White Star. The *Campania* of the Cunard Line, which came out in 1893, was 600 feet long and 65 feet beam. Four years afterwards came the *Kaiser Wilhelm* (of the North German Lloyd) with a length of 625 feet, beam 66 and

tonnage 20,000. Then in 1899 appeared the *Oceanic* of the White Star Line, which was the largest ship that had been constructed, 24 feet longer than the *Great Eastern*. She was 704 feet long, 68 feet beam, tonnage 28,500. She could accommodate 2100 persons in all. That is to say, 410 first-class passengers, 300 second-class, 1000 third-class, and 390 crew and stewards. The tops of her long funnels were 140 feet above the keel. Captain Cameron expressed to me his sense of deep responsibility for the great steamer and the myriad souls that were entrusted to his care. He was one of the best officers that ever trod a deck. In 1879 he commanded the old *Celtic*. We arrived at the port of Liverpool after sunset, on Saturday evening. Ten other steamers had been waiting but none had ventured over the bar. Cameron knew his channel perfectly. He put a man in the leads and led the entire fleet up the Mersey Channel.

In 1902 there came the merger of the White Star and other lines into the International Steam Navigation Company. They had a total number of ships of 118, and a tonnage of 881,562. Their ships were less numerous than those of either the Hamburg-American or the North German Lloyd. The former had 136 ships with tonnage of 688,000 and the latter 120 ships with tonnage 556,178. The Hamburg-American Line thus maintained its claim to be the greatest steamship line in the world.

Meanwhile American shipyards were not idle. In 1904 the *Manchuria*, built in the Cramp Yards at Philadelphia, steamed round Cape Horn and went into the Pacific trade. She had a length of 616 feet, a breadth of 65 feet and

tonnage of 27,000. Then the North German Lloyd undertook to bring out the fastest ship afloat, and we saw the *Kaiser Wilhelm the Second* come into the Port of New York. She made the run from Eddystone Light to Sandy Hook, 3112 miles, in five days, eleven hours and fifty-eight minutes with an average speed of 23.58 nautical miles per hour.

The White Star Line had come to the conclusion that the very fast ships were not the most profitable and they brought out the *Baltic*, in 1904, which was then the largest ship afloat, 725 feet long, 75 feet beam, with accommodation for 3010 passengers.

All this time these steamers had been increasing their height above water. The main deck of the *China*, in 1865, was certainly not over twenty feet above the water, and she had no upper decks. The *Baltic* had nine decks, her sun deck being 88 feet above the keel, and 55 feet above the water, when the vessel was at her deepest draught of 33 feet. This change in construction enabled the companies to put all their staterooms amidships with portholes generally open, to the great comfort of passengers.

Turbine engines began to be tried for the ocean. The *Victorian*, of the Allan Line, was the first vessel driven across the Atlantic by these engines. She reached Halifax April 1, 1905. In 1906 came out the *Lusitania* and the *Mauretania*, which remained the fastest passenger steamers afloat, until the *Lusitania* was sunk by a German submarine in 1915 and the *Mauretania* was laid up. They were brought out by the Cunard Line. The

*Lusitania* had turbine engines, the *Mauretania* reciprocating engines. Each of these ships was 790 feet long and 88 feet beam. They had accommodation for 2350 passengers and a crew of about 800. Their horse-power was 68,000; nearly seven times that of the *Great Eastern*. They had four propellers and the total thrust on these four propellers was equal to the total pull of thirty-two modern American freight engines. These vessels burned about 1000 tons of coal a day. The White Star steamers of 1871 burned about 70 tons a day.

In 1907 the Ambrose Channel leading over the shoals of the lower bay to Sandy Hook was completed by the United States Government, and the *Caronia*, of the Cunard Line, was the first large vessel to pass through it, August 27, 1907. This channel is straight, seven miles long (about half the length of the Ship, or old Horse-shoe, Channel), 1000 feet wide, 35 feet deep. The depth has been since increased to forty feet.

In June, 1909, the *Mauretania* landed her passengers in London in five days and four hours from New York. Mr. Richardson, one of the great firm of Swan, Hunter, Wigham & Richardson, shipbuilders of Newcastle on Tyne, who built her, told me that she had the greatest average speed of any steamer. He had an exact model made of her hull and made a special study with this model of the most desirable location for the four screws. After trying out the model with the location in various parts of the hull, he finally determined upon that which was actually adopted. To this, in his judgment, the great speed of the *Mauretania* was largely due.

But there were greater things still to come. In June, 1912, the White Star *Olympic* reached the port of New York. She was 882½ feet long, 99½ feet beam, 45,000 registered tonnage. The top of her funnels was 175 feet above her keel. She carried a crew of 850, and accommodated 2650 passengers. All this is outdone by the Hamburg steamer, *Imperator*, 919 feet long, 98 feet beam, 50,000 registered tons. She reached New York in June, 1913. She has essentially a double hull. Warned by the sinking of the *Titanic* she is so built that even if the outer hull were punctured, the entire hull would remain watertight. The *Olympic* also has been rebuilt with a double hull.

One of the improvements in these newer steamers is the service of meals *à la carte*. All that skill and taste can do, or luxury require, is done in them. The *Imperator* carries three captains, one with the rank of Commodore; one of whom will always be on the bridge. Her speed was fixed so that passengers will arrive in London and Paris on the sixth day, and Hamburg and Berlin on the seventh day after leaving New York. Alas! the dreadful war of 1914 has kept her in port for over two years.

One improvement which is being introduced, remains to be noticed: the use of oil instead of coal for fuel. Some of the new war ships are oil burners instead of coal burners. In August, 1912, the Krupps built at the German Dock Yard at Kiel a motor-driven vessel intended to transport oil from the United States. She has a carrying capacity of 15,000 tons of oil, is 420 feet long, and 65 feet wide.

She has Diesel motors, which develop 1800 horse-power and give a speed of 10 knots.

In this wonderful story of the triumph of man over the forces of the winds and waves, we can read between the lines the growth of wealth, luxury, commerce and travel during the last fifty years.

## 6. TELEGRAPHS

In 1837 Samuel F. B. Morse, an American painter, made an electric telegraph instrument using the electro magnet, which Henry had invented in 1828. He set this up in the old Marble Building of the University of the City of New York on Washington Square, long since demolished. The first real test of the practicability of this invention was made on a line of wire from Baltimore to Washington, May 27, 1844. The first message was—"What hath God wrought."

Morse offered to sell the invention to the United States Government but our representatives had no faith in it. So he went ahead, secured capital from those who had faith, and we have the electric telegraph all over the world. In the hand of the bronze statue erected to him at the Seventy-second Street entrance to Central Park, there is a model of the Morse instrument with the strip of paper upon which the message was at first recorded.

Then an operator discovered that he could read the message by ear, and the recording telegraph went out of use except as we have it in the stock exchange tickers.

Then came the Bell telephone, in which the tones of the voice of the sender could be distinguished by the receiver. Then followed the greatest wonder of all, the wireless telegraph of Marconi. One application of this system is not generally appreciated. There are many tropical countries in which it is almost impossible to maintain telegraph poles or wires. In these the wireless telegraph has been introduced and enables messages to be sent through the air without interference from the elements.

#### 7. EDUCATION

In previous chapters I have given some account of the great improvements that have taken place in my time in municipal and national government; particularly in the application of the civil service methods to the selection of government employees. When we consider the world of education the improvement is as marked. Not only has there been a great increase in the number of universities and schools for the higher education, but the primary school system has reached a development in this country and in most other civilized countries which no one anticipated seventy years ago. In every civilized country, primary education is now within the reach of the poorest. Great sums of money are appropriated by government. In many countries, school books are furnished free of expense. The period of school instruction which in my boyhood was often not more than five months in the year, is now extended to ten. In New

England the terms of colleges were formerly so arranged that students could teach a country district school in the winter and another in the summer, and at the same time pursue their regular curriculum. In this manner many worked their way through college. Now we have regularly trained teachers who give their whole force and energies to the work of instruction. As for the equipment of laboratories and other facilities for scientific study in colleges and universities, there is no comparison. Indeed until the foundation of the Johns Hopkins University in 1875, the money for which was given by Johns Hopkins, and which was organized by Daniel C. Gilman, there was no real university in the United States. Now Harvard, Yale, Columbia, Cornell, Princeton, fairly claim this title. So may some of the great State universities, which no longer are such only in name, but maintain professional schools of the first rank.

It is true that much remains to be done in the line of vocational training and in thoroughness of all training. Too much attention is paid to instruction from books. The attempt is made to cover too much ground. Boys and girls are often kept on text-books, when they ought to be learning a trade or studying how to earn their own living, when they are older. Our unfortunate experience in the Southern States, during the period of reconstruction, should have taught us better. We are learning much from Germany, which has probably done more than any other country in the arts and crafts.<sup>1</sup>

<sup>1</sup> The following table shows the growth of public education in New York City. It could be paralleled in many other cities.

## 8. MEDICINE AND SURGERY

In this sphere progress has been marked. The introduction of ether as an anesthetic in 1846 saved men and women from unspeakable suffering and made possible surgical operations which, under the old system, were impossible. The story of General Herkimer smoking his pipe while his leg was being amputated after the battle of Oriskany, seems now almost an old-world fable.

Pasteur's introduction of the antiseptic treatment, his study of the germs which have in the past been the cause of such dreadful diseases and have often caused death after surgical operations, has been effective in two ways. It has enabled the wise physician to prevent disease, and it has enabled the surgeon so to treat his patient after an operation, that recovery is almost certain. As a consequence, plagues like yellow fever have been banished from many ports which before were almost uninhabitable. It is not too much to say that the construction of the Panama Canal would have been impossible

	1855	1915
Number of schools.....	214	549
Number of pupils:		
Whole number taught.....	132,500	865,956
Average daily attendance.....	45,992	702,856
Invested property:		
Sites.....	\$ 496,389	\$33,711,516
Buildings.....	898,156	96,696,101
Equipment.....	not given	22,907,059
Appropriation for schools.....	760,676	39,990,349

This last figure is about one-fifth of the whole budget, which is for 1915, \$198,989,786.

without the sanitary measures of which Pasteur is the father, and which our great American, Dr. Gorgas, has developed to such an extraordinary degree.

Again the extension of the discovery of Jenner that smallpox could be prevented by inoculation, followed up, as it was, by the discovery of vaccination, led the physicians of our time to further investigations. They have shown how to inoculate for typhoid and other pestilential diseases.

Typhoid fever, which before 1908 had been fought with every weapon known to modern science and still lurked in every community, is now put to rout in open combat by the aid of its own dead bacteria. The illuminating light of discovery makes possible the immunization of an army of 85,000 men against a disease which is more prevalent in this country than in most civilized countries and causes a yearly loss of something like \$350,000,000, and untold suffering—a disease which has been the scourge of our army and has killed and maimed more than powder and shot. This same disease was directly responsible for an outlay of \$20,000,000 in the British South African War, and has been the cause of great suffering and financial loss for many years among all peoples in every climate, in peace and in war.”<sup>1</sup>

The Japanese, availed of these improvements in surgery and medicine to such a degree that the percentage of deaths from wounds and disease during their war with Russia was reduced to a minimum.

Where, in 1850, there was one hospital and dispensary, there are now twenty. Medical and surgical aid is brought within the reach of the poorest. We may justly say

<sup>1</sup> *Nat. Geographic Mag.*, Oct., 1913, p. 1146.

that through the skill that God has given to man and the untiring, self-denying industry of physicians and surgeons, miracles are renewed. The blind receive their sight, the sick, apparently even the dying, are healed, the lame walk, the dumb speak and the deaf hear. As I walk past the Presbyterian Hospital on Madison Avenue and Seventieth Street and see the crowd about the door before the dispensary opens, I am reminded of the multitudes that thronged about the door of Christ's house in Capernaum.

#### 9. RELIGION

The progress of religious work has been equally marked. The command that Christ gave his disciples to teach all nations, which Wellington called the "marching orders of the Christian Church," has been obeyed to a degree unexampled since the first century. The conduct of Christian missions has become more and more enlightened. The old conception that the object of missions was to save the heathen from eternal punishment, has pretty much disappeared. The positive side of Christianity has been developed. In many heathen countries intelligent sanitary methods, the proper use of medicine and surgery, and of the other modern improvements to which I have referred, have been introduced by missionaries. The wonderful progress of Japan and China is largely due to Christian ideals. In the outset the attitude was too often that of antagonism to the ideals of the native people. Christian peoples have now come to realize that in these also there is good and that progress can best be insured

by sympathetic and appreciative study of all that is good in the traditions of the Orient.

In the Christian Church itself there has been a marked abatement of bigotry and prejudice. In that branch of the Church to which I belong, the Episcopal Church in the United States, there has been an increase in unity and coöperation. The same is true in other denominations of Christians in every Christian country. Federations of Churches are being formed among Protestants. The prejudice in the Protestant mind against the Roman Catholic and the Greek Catholic church has greatly diminished. It seems incredible now to read of the passion which led in 1845 to the burning of the Convent in Charlestown, Massachusetts. The Episcopal General Convention of 1910, and again in 1913, exchanged cordial messages of sympathy and greeting with other religious bodies and in 1910 appointed a Commission, which was continued in 1913, for the promotion of Christian Unity.

There is one exception to this march of progress to which I must refer. The prejudice against the Jews, certainly in the United States, is far greater than it was fifty years ago. At that time, it was hardly noticeable. This is partly at least, due to the enormous increase in the number of Jews in the City of New York. This again has largely been caused by brutal persecutions in Europe, which have driven multitudes to this land, where, if there may be prejudice, there is at least no persecution. The story of the hopes and aspirations, the sufferings and trials which have led to this migration is well told by

Mary Antin in her wonderful book—*The Promised Land.*

It is often said that church attendance has fallen off and that the influence of the Christian ministry has diminished. I do think that the official influence and authority of Christian ministers has diminished, but it seems to me that the man in that profession who has a real message to deliver has never been listened to with more attention. The Christian Church has never been so active in works of piety and charity as it is to-day. Beside the hospitals and dispensaries which are in the main sustained by religious people, the innumerable philanthropic societies which have been formed, and in which Christians of all names cordially unite, show that Christian Churches are alive to the duty not only of love to God, but of love to man. The development of social settlements is one of the most marked instances of this increase in sympathetic interest. In 1891 only three settlements existed in New York City. There are now over forty. They are also to be found in every large city throughout the United States. There are many in Great Britain and some on the Continent of Europe. No doubt they have made mistakes, but they are powerful factors in producing a more friendly relation between the wealthy and the plain people and bringing about that mutual understanding which is essential to any friendly relations.

When the Church Club of New York was formed in 1886, I was one of its organizers and its first President. Our aim was, in part, at least, to make churchmen of

different parishes better acquainted, and thus do away with the narrowness of parochialism. We had social meetings where different topics of interest to religious people were discussed, and we organized committees. One of these undertook to conduct religious services in the old church of St. George the Martyr. They succeeded in attracting many poor men and women from a wretched neighborhood. After a while the old rector who had seen his well-to-do parishioners move up-town, intervened—"I can't have so many dirty people in my church." He belonged to a school that has mostly passed away. The Church understands now, much better than it did fifty years ago, that its mission is to dirty people as well as clean.

I became Chairman of a Committee on Social and Economic questions. The settlement was then in its infancy. Arnold Toynbee had gone to live in East London and gave his life to better the lives of the wretched and the ignorant. Toynbee Hall was founded by those who loved him and were not willing that the work he had begun should die. In that wilderness of Whitechapel and Bethnal Green, men of education and real religious spirit went to live, and as Bishop Potter said, gave to each poor family in the neighbourhood another room. But it did much more. It gave to the neighbors a higher ideal.

In 1889 I visited Toynbee Hall and met Canon Barnett, the Vicar of the church next door. I said to myself, why should we not do a like work in New York? I related here what I had seen in London. About the same time a similar work was begun by graduates of colleges for women.

in one of the fine old houses in Rivington Street (No. 95) and Stanton Coit and Mr. Stover (Park Commissioner under Mayor Gaynor) undertook the Neighborhood Guild. This has since developed into the University Settlement.

Beside the influence of these examples I profited by the experience of my boyhood in a Vermont hamlet where my grandfather, William Jarvis, and his family, were the inspiration of the whole town. To him the farmers, to his wife the farmers' wives and daughters, were glad to go for counsel and it was never refused. He first introduced the cradle for cutting grain, which supplanted the sickle about 1832. Then he brought in the horse rake for hay, then the mowing machine took the place of the scythe, and thus the conditions of farm labor were improved and the people of the countryside benefited. Could we do something equally good for the East Side?

The Church Club Committee were convinced that what had been done elsewhere could be done by us, and we leased and afterwards bought one of those old houses that stood a century ago on the bluff along the East River from Fiftieth to Ninetieth Streets. There was a garden which extended to the river. There we set up swings. In the big parlors we placed a piano and provided games. The old greenhouse was converted into a gymnasium. We opened our doors to the neighbors in June, 1891.

As I had been foremost in advocating the settlement, I felt that I ought to go in residence, and there I was Head-Worker during the first summer.

A successful club for young men was soon established.

The neighbors at first looked at us with suspicion and wondered why we were there. But they found we had come for good and the mothers were glad to have the children come down to the East Side House on Sunday afternoons. We showed the children Bible pictures, and told them Bible stories. After a while Mrs. Prescott Hall Butler and some friends gave a service of song. We made friends with the Bohemian pastor, the Methodist minister, and finally with the Roman Catholic priest at St. Monica's. Clarence Spofford gave us four thousand books, Charles B. Webster gave us money for a library building, and we opened a free circulating library. The Bohemian section of this was the first free circulating library in that language in New York. We had at least thirty thousand Bohemian constituents.

Walter F. Brush advised with me in the formation of the settlement and in the selection of our site on the river. He succeeded me as Head-Worker. We were volunteers. Our first salaried Head-Worker was Willis B. Holcombe. During the hard winter which followed the panic of 1893, he administered admirably a fund of \$4000, which was given by R. Fulton Cutting, Seth Low and Cornelius Vanderbilt. We used it in hiring men at a dollar a day to terrace our water front and construct a tidal basin for bathing. He frankly explained to the men out of work, that he had only just so much money to spend, that he wanted to help as many as possible, and that therefore he could pay no more. With this explanation the men took the wages gladly. It carried a hundred families through that hard winter, with

self-respect. I doubt if that amount of money ever did more good.

The work of the settlement grew. We established a kindergarten and afterwards a day nursery. We had classes in cooking, sewing, vocal and instrumental music. We outgrew our old building and in 1901-1902 pulled it down and built the present commodious structure. A large assembly room proved attractive to the young people for dancing, concerts and lectures. We had Bible classes and Sunday afternoon services. There was no attempt to make proselytes. But we did try earnestly to impress the fundamental truths of religion which are held by all the churches. It is often said that settlements cannot do religious work. But our experience is that they are "applied Christianity." The feeling of sympathy, of brotherly kindness, of mutual helpfulness that we have developed is the natural result of our endeavor to follow the example of Christ. "Though He was rich, yet for our sakes He became poor that we through His poverty might be rich."

It is said sometimes that the work of the settlements is transitory and will be taken up by the municipal governments. Some of it has been. Our own settlement induced the city authorities to establish a playground (John Jay Park), a public bath and a public library in our neighborhood. These took the place of those we had first established. They were much better than any we could afford or ever did maintain. Relieved of that responsibility we went forward to other work, and it grew on our hands. As long as some possess more than others, so long will it be good for those who have more, to live among and

share with those who have less. It may be more spiritual insight, better intellectual training, more knowledge of the world, more physical dexterity, or more money. Whatever our advantage, let us share it. That is what we have tried to do at the East Side House.

About the time that the settlement was established, Professor Ely, Dr. Mackay-Smith (afterwards Bishop of Pennsylvania) and myself, took an active part in the formation of the Christian Social Union. The object of this was not unlike that of the settlement, that is to say, to bring educated men who were taking an active part in the organized work of the Christian churches, into closer relations with the plain people. We found the same difficulty in making our objects clear that the settlement workers had found. Phillips Brooks was one of our best friends, and in April, 1892, he wrote me as follows:

Much as I value the effort which the Union is making to arouse in our Church interest in subjects which the Church has no business to neglect, it is not strange that the largeness of its purposes and the vagueness of its methods, should hinder its immediate and strong appeal to the sympathies of busy people. But I believe in it with all my heart, and while I look for no immediate or startling results, I am sure its existence cannot but do good.

We continued our propaganda with sermons, addresses and pamphlets. Finally the work was taken up by the General Convention of the Episcopal Church, and was turned over to the Social Service Commission organized by that body. Many other churches have done the like.

The two great Protestant orders, the Salvation Army and the Young Men's Christian Association have come

into existence in my time. The former has more the characteristics of the Roman Catholic orders than the latter, but they are alike in this, that their work is extended to every land. It is Christian, self-sacrificing, zealous and loving. They are to-day two of the most powerful agencies for the promotion of peace upon earth and goodwill to men.

Pervading all the improvement that I have described is a change in the conception of God. The terrors of Dante's Inferno and of Jonathan Edwards' sermon on Hell, have ceased to be a part of religious thought. God is realized as a God of love; a present friend—not a distant sovereign.

This change in the conception of God has been accompanied by a change in the conception of the Bible. Christians generally have come to realize that the Bible is not a single book, but a collection of books written at very different times, and adapted to circumstances widely different. We have learned to study them with reference to these varying conditions, to compare one part with another, to observe the evolution of revelation as God has manifested it gradually from age to age. "The New Testament is latent in the Old—the Old is manifested in the New," is a maxim impressed deeply on religious thought. We have learned the canon, given by Christ Himself, that the words are to be interpreted spiritually, not literally. Thus the study of the Bible has become more intelligent and therefore a delight and an inspiration. Many who never read Coleridge's Lay Sermon have learned its lesson, that the writings of the Hebrew prophets, when carefully studied and rightly understood, are "the best guide to political skill and foresight."

I heard an illustration of this from Dr. Washburn, our eloquent rector at Calvary, in 1871. The discoveries of the frauds that had been committed by Tweed and his associates were then fresh in the minds of our people. The question was whether good citizens would combine, irrespective of party, and drive from office and power the guilty. The preacher took for his text the Hebrew story of Gehazi, the servant of the prophet, who ran after Naaman and obtained from him by false pretense two talents of silver and costly robes. He pointed out the greed for money and luxury that was the sin of the day and declared in tones and gestures that had indeed the spirit and power of Elijah—"If you do not purge yourselves from this deadly sin, the leprosy of Naaman will cleave to thee and to thy seed forever." His hearers never forgot those words throughout all the desperate struggle that ended in the breaking up of the Tweed ring.

They are as much needed now as then. The growth of wealth and luxury, the very increase in physical ease and comfort, which I have noted, are real dangers. The Roman satirist wrote: "Saevior armis, luxuria incubuit." Nevertheless, I have faith to believe that by the blessing of God, the American people will be loyal to the principles of freedom and justice on which our Government is founded and to the divine law of righteousness which alone can exalt a nation and give permanent peace.

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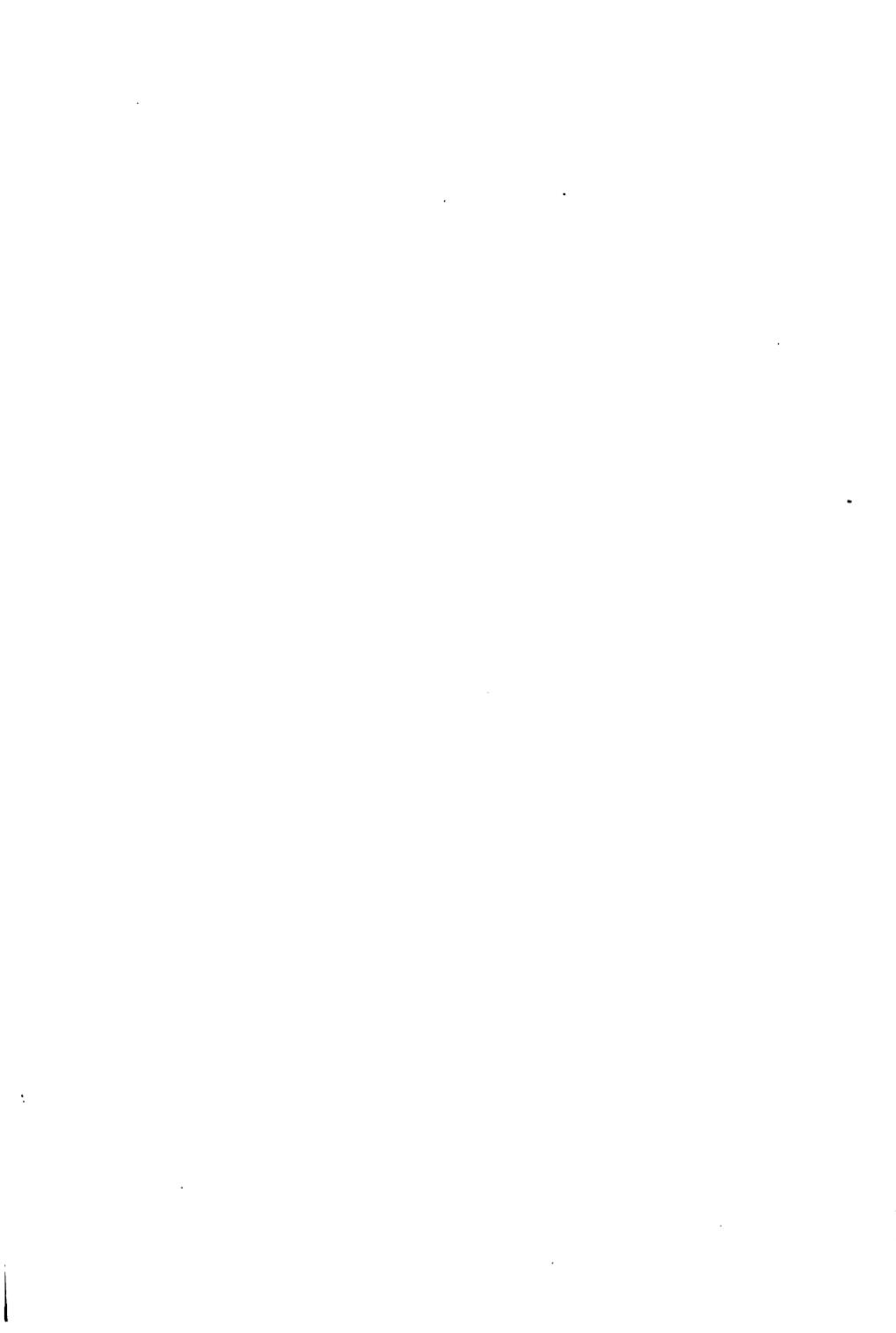




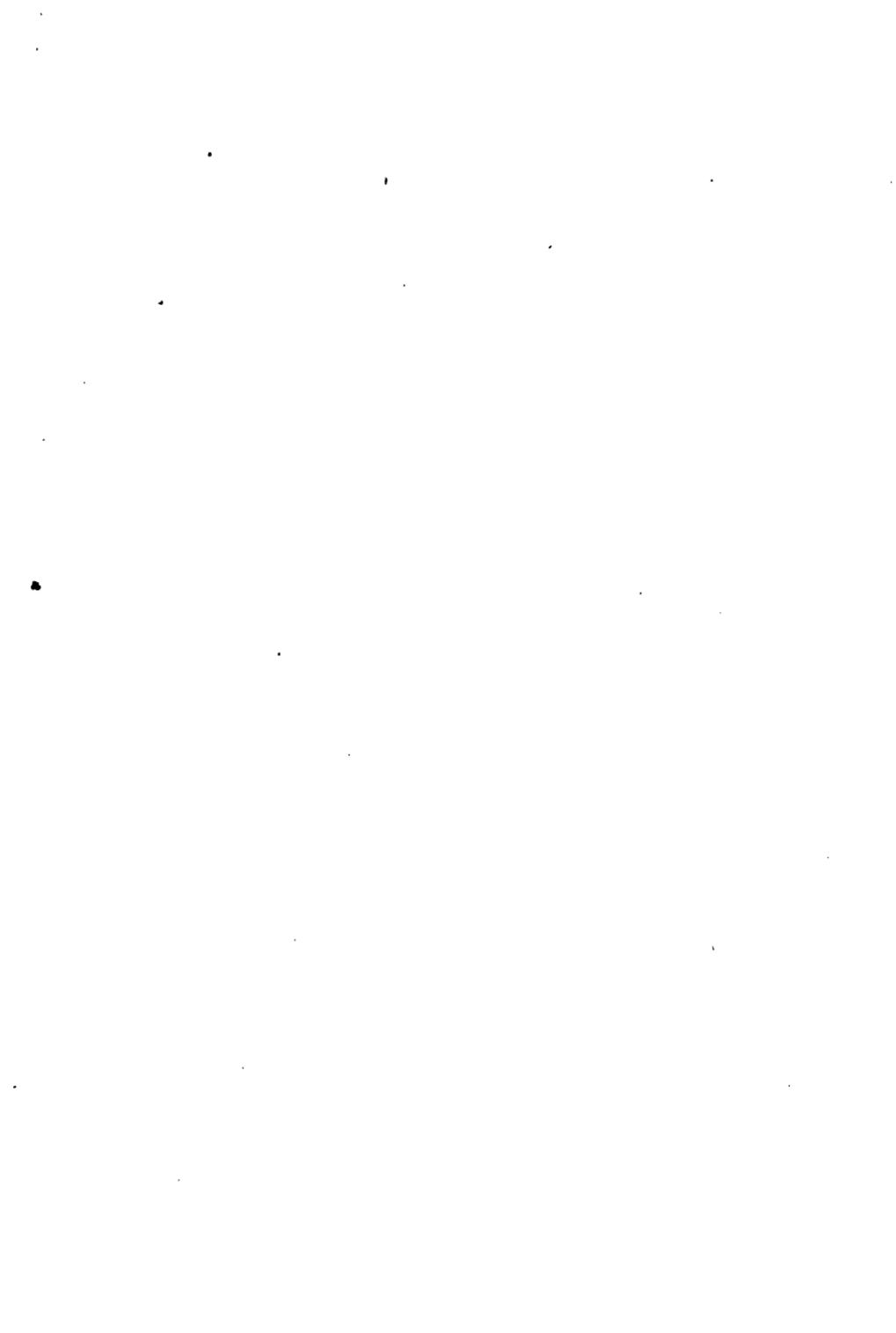












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